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Digests of Recent Opinions

MUNICIPAL LAW — Power to authorize institution of a suit on behalf of a municipality under the Walsh Act is in the Board of Commissioners, not a single commissioner or other officer, at least in absence of a delegation of such power to such commissioner or officer.

AGENCY—A principal's ratification of an agent's unauthorized act validates the act ab initio unless such validation will impair intervening rights of third persons with which it would be unjust to interfere.

LIMITATIONS—The test as to whether defects in a suit brought in time may be cured after the period of limitations has run is (1) that the defect is of such a nature that it is curable without the necessity of dismissing the suit and beginning anew and (2) the case itself must not subject the defendant to liability of a greater or substantially different kind from that of the original action.

LIMITATIONS — AGENCY — MUNICIPAL LAW—Held, running of period of limitations after filing of unauthorized suit on behalf of city and before ratification thereof by the governing body does not give defendant such vested right as precludes the ratification from operating ab initio so as to make the action timely.

Digested from an opinion by [illegible] J.A.D., rendered Sept. [illegible] 1959, Appellate Div. **Trenton v. Fowler-Thorne.** For appellants—Richard J. Casey (Frank I. Casey, atty.). For respondent—[illegible] L. Stern (Louis Joseph- [illegible] atty.).

Action was brought by the City of Trenton on June 27, 1957 against defendants on a claimed breach of contract in work contracted for in 1949 and accepted by the City on Aug 2, 1951. Defendants answered raising, among other things, that the suit was improperly started on the instructions of a single Commissioner rather than the Board of Commissioners as required by a 1947 resolution of the City Commission. On May 15, 1958 the Board of Commissioners adopted a resolution authorizing, ratifying and confirming the suit. Defendants moved to dismiss the action as barred by the six year statute of limitations. The trial court held (1) the institution of the suit had not been legally authorized (2) the ratifying resolution could not legally relate back to the date of institution of the suit so as to preclude the intervening bar of the statute of limitations, if, as a matter of law, the six year period was applicable (3) the six year period was not applicable as the action was on a sealed instrument covered by the 16 year period. The motion was accordingly denied. Leave was given to appeal and cross-appeal.

Held: Ordinarily, an action instituted by an agent without proper authorization from the plaintiff will not, for that reason, be dismissed in the face of subsequent ratification by the principal. The question is whether the intervening running of the statute of limitations bars an effective subsequent ratification and, whether the suit was initially properly authorized by the Director of Public Affairs alone. Taking these questions in the inverse order, the court finds that plaintiff is governed by the Walsh Act, under which the commissioners are to determine and assign the powers and duties to be performed by each department, and that the power to authorize the present litigation

(Continued on page 2, col. 1)

Rules Effect Of Release Governed By Law Of State Where Tort Occurs

The U.S. Court of Appeals for the Third Circuit ruled that under Pennsylvania Law, and in accord with the general rule that the substantive rights of the parties are to be governed by the law of the place where the injury was sustained, the law of the state where the tort occurred should govern the effect of a release thereof and not the law of the state where the release was executed or delivered, at least in the absence of any express designation in the release to the contrary.

In the case before the court the accident had occurred in Virginia and involved plaintiff, a resident of New York, and two cars owned and operated by residents of New York and Pennsylvania respectively. Plaintiff settled his claim in New York with the New York tortfeasor and gave a "General Release" which expressly reserved and excepted from its terms any claims or causes of action which he might have against the Pennsylvania tortfeasors. Plaintiff then sued the Pennsylvania tortfeasors in the Pennsylvania Federal Court basing jurisdiction on diversity of citizenship. The District Court dismissed the action and the Court of Appeals affirmed holding that the effect of the release was to be governed by the law of Virginia and that under Virginia law the release given to the one tortfeasor, though attempting to reserve the right to sue the other, effectively released the other joint tortfeasors.

The decision was rendered in Brittner v Little, No 12824, opinion by Kalodner C.J. filed Sept 16, 1959.

Lance To Address Monmouth Bar

The Hon. Wesley L. Lance, President of the State Senate and former Hunterdon County Judge, will be the guest speaker at the meeting of the Monmouth Bar Association to be held tonight at the Fountains in Long Branch. Senator Lance's address will be titled "A Legislator Looks at Lawyers".

Appointments to the Nominating Committee of the association will be announced at this meeting.

Kelly To Address Bergen Bar

John R. Kelly, President of the New Jersey State Bar Association, will be the speaker of the evening at the first meeting of the Bergen County Bar Association for the fall season. The meeting will be held this evening at 6:30 P.M., at the Clinton Inn in Tenafly.

Mr. Kelly's topics will be "Mid-Winter Meeting of the State Bar" and "Conflict of Interest Legislation".

Notice Re: Appellate Division Motions

The Appellate Division of the Superior Court announced that beginning Tuesday, October 13, 1959, all motions filed with the clerk of the court must be made returnable on Monday of any week. However, as one part of the court will sit on Monday and one part on Tuesday of each week the clerk will assign the motions for hearing on Monday or Tuesday, as the calendar requires.

The Court further announced that all motions must be filed in strict compliance with the rules.

For any information contact the Deputy Clerk, L. E. Warwick, at the State House Annex, Trenton.

Forman Sworn In As Court of Appeals Judge

Federal Judge Phillip Forman of Trenton, was sworn in on Monday as a judge of the Third U.S. Circuit Court of Appeals.

Chief Judge John Biggs Jr. of the Circuit Court administered the oath.

Among those attending the ceremonies in Judge Biggs' office in the Federal Building at Philadelphia were Mrs. Forman, Federal District Judges Mendon Morrill, Thomas F. Meaney, Richard Hartshorne and Reynier J. Wortendyke Jr., all of Newark, Federal District Judge Thomas Madden of Camden, Circuit Judges Gerald McLaughlin and Albert Maris, and John R Kelly president of the New Jersey Bar Assn.

Openings Available In N.L.R.B. General Counsel's Office

The work of the Office of the General Counsel of the N.L.R.B. has increased substantially as a result of the recent broadening of the jurisdictional standards of the Board and the enactment of the Labor-Management Reporting and Disclosure Act of 1959, which contains significant amendments to the National Labor Relations Act. As a result, there will be a need for lawyers who can meet high professional standards and are interested in Government, particularly in the field of labor-management relations.

The work of the Office of the General Counsel offers a variety of legal experience in trial and appellate litigation, legal research, interpretation, and in administrative law generally. Its field of activity, says the General Counsel, is dynamic and expanding and the recently enacted amendments to the Act present a particular challenge in statutory construction and enforcement.

The Office is anxious to select new members of its staff from among lawyers who can perform legal work of a quality equal to that of the present staff. It would have a particular interest in lawyers who have served as law clerks or have had other experience in the Federal Court system.

Inquiries from lawyers interested in employment should be directed to Joseph E. DeSio, Esq., Director of Training, Office of General Counsel, N.L.R.B., Washington, D.C., who will make arrangements for the filing of applications, interviews, and other necessary steps.

ZONING IN TRANSITION

by Stephen Sussna*

I. The Andrews Decision

A recent case brings us one step closer to a new system of zoning.

The Supreme Court of New Jersey decided this extremely significant and interesting case—Lucille M. Andrews et al, v. Board of Adjustment of the Township of Ocean et al.[1] The majority opinion was delivered by Chief Justice Weintraub. The case briefly was as follows:

The Ocean Township Board of Adjustment recommended a variance under subsection "d" of N. J. S. A. 40:55-39 for the use of residential premises for a parochial school with living quarters for teachers. Owners of the neighboring property appealed.

The property in question was an estate of 16 acres within a Residence A district (40,000 square foot plot size). The residence on it was old and large. Its use was to be changed through the means of a use variance. Although public schools were in the excepted use category and could be included if not harmful and reasonably necessary for the convenience of the neighborhood, parochial schools were unauthorized in residential districts.

The zoning ordinance did allow parochial schools as special exceptions in business zones. But as Justice Hall pointed out in his dissent, these districts were inappropriate since they bordered busy highways. Consequently those who sought the conversion employed section "d" of N. J. S. A. 40:55-39 to obtain the use variance.

To obtain a variance under the aforementioned section, which up to now is unique in New Jersey, two findings are necessary: (1) That it can be granted without substantial harm to the public good and that it will not substantially impair the intent and purpose of the zoning plan and zoning ordinance; (2) that "special reasons" exist for the variance. Both of these findings were made by the Board of Adjustment. The Township officials approved this but set forth various conditions attempting to safeguard the residential character of the district.

Chief Justice Weintraub reasoned that even though a parochial school was not a permitted use, it was not dramatically different from those envisioned in the zoning plan. He said that the court could not quarrel with the finding that the neighboring properties would not be harmed.

In affirmative terms, the court commented that the plaintiff home-owners might really find the granting of this variance beneficial since the continued existence of the old and large structure would help keep the character of the area intact.

Plaintiff's major argument, and the one of great interest, dealt with the existence of "special reasons." The majority rejected the contention that a variance may not be granted in the absence of hardship and in the absence of some zoning burden peculiar to the property in question. The court held that subsection "d" does not contain the prerequisite of exceptional and undue hardship upon the owner of such property. The term "special reasons" gained validating content from the purposes of zoning as specified in R.S. 40:55-32. The standard pertinent here was the "general welfare" clause of section 32. Since a need for additional school facilities existed, the granting of this variance was in furtherance of the "general welfare." Therefore the judgment of the Law Division upholding the variance was affirmed.

(Continued on page 7, col. 1)

Stason Reports Russian Lawyer And Law Prestige Low

DETROIT—Lawyers enjoy little prestige in Russia, Dean E. Blythe Stason of The University of Michigan Law School said last Tuesday.

In a banquet address to the State Bar of Michigan, Stason said lawyers do not play an important part in the planning and execution of Soviet social and economic programs. This is a sharp contrast with the position of the lawyer in America.

"The rule of law, as we know it in the English speaking countries, is quite unknown in Russia," Stason said.

"Forty years ago the Russian peoples by revolution completely cut themselves off from virtually all of their previous legal doctrines."

The U-M Dean visited Russia as part of the official exchange program last year.

"Law as a field of study and professional life does not compare favorably with science and engineering, either in popularity or in quality of students and faculty," he reported.

"Ninety-five per cent of the law courses are prescribed for all students, only five per cent being elective.

"Altogether there are about 30,000 students studying under the law faculties in the Soviet Union, with about 6,000 being graduated each year. This figure compares with about 10,000 in the United States."

Summing up, he said, "All in all, the legal rights and duties, powers, and privileges of the Soviet citizen are a far cry from those of a citizen of the United States. Behind the Iron Curtain the individual is a small cog in a huge machine. The State is all. Human freedoms vanish in an all-embracing bureaucracy."

Opinions Approved For Publication

September 15 to 21, 1959

NOTE: Copies of the opinions listed below have been sent to each county law library. Any member of the bar may secure a copy of the opinion in any particular case, without charge, by writing to the Clerk of the Supreme Court, State House Annex, Trenton.

SUPREME COURT

Appeals
None

Petitions for Certification Granted

Stoelting v. Hauck, 56 N.J. Super. 386

State v. Sperry & Hutchinson, 56 N.J. Super. 589

In Matter of E. J. McGovern Dairy Prod. Inc., App. Div. A413-58
Re: Revocation of milk sub-dealers license

SUPERIOR COURT AND COUNTY COURTS

None

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*Planning and Zoning Consultant, Trenton, New Jersey. Member, New York and Kentucky Bars.

[1] Decided June 30, 1959, mimeograph File no. A-107 - September Term, 1958.

DIGESTS OF RECENT OPINIONS

(Continued from page 1)

had not been delegated to Director Holland and he was not acting in the administration of duties assigned to him when he directed the institution of this action.

Generally, a principal's ratification of an agent's unauthorized Act will validate the act from its inception unless such validation will impair "intervening rights" of third persons. Upon ratification the consequences of the original transaction are the same as if it had been authorized, except in favor of persons who, because of their wrongful conduct, are not entitled to benefit, and against persons who have meanwhile acquired interests with which it would be unjust to interfere. Thus the question is whether the passage of the period of limitations prior to ratification vested defendant with an immunity from continuation of the action with which it would be unjust to interfere. The answer in in the negative. First, the statute of limitations requires no more than that an action "be commenced" within 6 years. The instant action was in fact commenced within the period. Since a defect of lack of original authorization is not so fundamental as to dictate a dismissal regardless of subsequent ratification, the action is not a nullity but continues to subsist and the date of its actual institution should ordinarily in logic and principle continue to control as to limitations.

The majority of American jurisdictions are in accord with the liberal view of allowing correction of improper parties after the statute has run. The New Jersey courts apply two tests in determining whether or not a defective suit brought in good time may be cured after the time has run and still preclude the defense of limitations. These are: (1) that the defect must be of such a nature that it is curable without the necessity of dismissing the suit and beginning anew, (2) that the cure itself must not subject the defendant to liability of a greater or substantially different kind from that of the original action—that is, the cause of action must remain the same. These tests are here met.

Considerations of fairness and equity lead to the same result as those of legal principle here. The policy of the statute of limitations is to spare the courts from litigation of stale claims and citizens from being put to their defense after memories have faded, witnesses have died, and evidence has been lost. Under the circumstances here the timely institution of suit subserved these policy objectives notwithstanding the technical deficiency in authorization to institute the suit. The defendants were not substantially prejudiced by the lack of proper timely authorization and no injustice results to them from allowing ratification to be affective ab initio.

The action is not barred by the 6 year statute.

Affirmed.

Haneman, J.A.D. dissenting holds that when the statute of limitations has run, that defense constitutes a vested right and that ratification will not relate back so as to defeat or impair vested rights which have intervened between the time of doing the act and ratification thereof by the principal. Accordingly, he holds that if the action is based on a simple contract it is barred by the 6 year statute. However, he finds there was a triable issue of fact presented as to whether the agreement was a specialty with the 16 year period applicable and hence that denial of defendant's motion was not error.

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V.A. Opportunities For Law Grads

The Veterans Administration has a continuing need for Adjudicators, and the demand for qualified young people will continue to grow in the months ahead. As Adjudicators for the Veterans Administration, law school graduates would have an unusual opportunity to apply fully, their knowledge of law, precedents, practices and legal education.

New Jersey has over 800,000 veterans and approximately 250,000 claims by veterans or their dependents have been filed with and adjudicated by the Newark Regional Office of the Veterans Administration. The key worker in the Claims Program is the Adjudicator who examines, evaluates, and develops all information necessary to the proper adjudication of these claims.

Applicants who are interested will have to pass a general intelligence test lasting approximately 3 hours. Those who are rated eligible in the examination will have their names placed on a civil service register and will be considered for appointment as vacancies become available. Starting salary is $4980 a year, and after satisfactory completion of a training course (6 months to a year), trainees are promoted to a higher grade level with a salary ranging from $5985 to $6885 a year. Employees who demonstrate unusual potential for career development may later be considered for supervisory or management positions in the Claims Program where salaries range from $7030 a year in the first supervisory grade, to $11,355 in the highest.

Candidates who are interested should write to, or call the Personnel Officer, Veterans Administration Regional Office, 20 Washington Place, Newark, New Jersey.

Discusses Rulings On Practice Of Law By Trust Companies

A column in the August Issue of Trusts and Estates, discusses the question of what constitutes practice of law by trust companies and opens with the statement that "it begins to appear that some modicum of common sense has at last entered into the question" by virtue of the recent decision of the Supreme Court of Errors of Connecticut in the cases of Hartford banks.

According to the column the final decision in the Connecticut case was that "appearances by corporate fiduciaries through their own lawyer employees at hearings in probate courts constitute the illegal practice of law but that in all other situations representation by employees is not forbidden unless in a given case it would be commonly understood to be the practice of law." Commenting further, the column continues "Since in most parts of the country banks normally do not appear in court hearings except through outside counsel, the one absolute bar contained in the final decree is not an adverse precedent. On the other hand, the general injunction against performing acts commonly understood to be the practice of law leaves the door wide open for future misunderstandings as to all sorts of specific activities".

Reviewing some of the other decisions and activities in this field the column concludes with a plea that such questions and conflicts as do arise be discussed and solved in the privacy of the National Conference Group comprised of representatives of the American Bar Ass'n and of the Trust Division of the American Banker's Ass'n rather than by resort to court action or legislation.

Attorney General's Opinion

FORMAL OPINION 1959 - No. 19
To Mr. William MacPhail,
Superintendent of Elections

You have requested an opinion whether former residents of Puerto Rico who have appeared for the purpose of being registered to vote and who are unable to speak or read the English language are entitled to register and vote.

The qualifications for voting in New Jersey are set out in Art. 2 N.J. Const. (1947). Paragraph 3 sets out the qualifications of citizenship of the United States, attainment of 21 years of age, and residence in the state for 6 months and in the county for 60 days. Paragraph 6 denies suffrage to idiots and insane persons. Paragraph 7 denies suffrage to persons convicted of crimes designated by the legislature. (R.S. 19:4-1 enumerates the crimes which disqualify.)

While you have made reference to this problem as it applies to Puerto Ricans, this opinion applies as well to all citizens who cannot read or write.

These constitutional provisions concerning qualification to vote are exclusive. The legislature has no power either to enlarge or diminish them. **Cf. Stothers v. Martini,** 6 N.J. 560, 566 (1951); **Imbrie v. Marsh,** 3 N.J. 578, 585 (1950). Any provision or interpretation of statutes which would deny the right to vote based on inability to understand English would attempt to modify the constitutional provisions and would therefore be void.

Although the legislature may not change the constitutional qualification on the right to vote, it may adopt reasonable regulations for the exercise of the rights conferred by the Constitution. **Sadloch v. Allan,** 25 N.J. 118, 122 (1957); see **Lassiter v. Northampton County Bd. of Elections,** 79 S. Ct. 985 (1959). In exercising this power the legislature has provided that everyone must be permanently registered in order to exercise his franchise. R.S. 19:31-1.1. As part of the process of registration, the applicant must subscribe to the following oath or affirmation which appears in the statute, R.S. 19:31-6:

> "You do solemnly swear (or affirm) that you will fully and truly answer such questions as shall be put to you touching your eligibility as a voter under the laws of this State."

If it were the legislative intent that such an oath be administered only in English so that a person unable to speak English could not take the oath, the legislation would violate the Constitution and therefore be void. However, it would seem that it was not the intention of the legislature that that oath be exclusively administered in English. The requirement that a registrant subscribe to an oath written in a statute in English has been part of the registration law at least since 1930. L. 1930 c. 187 par. 384. From 1930 until 1944 this law expressly provided for the rendering of assistance in preparing official ballots to persons unable to read the English language. L. 1930 c. 187 par. 198; (former) R.S. 19:15-35; L. 1944 c. 230 sec. 4. Certainly, there would not have been a provision in the law for assistance in preparing ballots to persons unable to read English if it had been the intent of the legislature to have already disfranchised them at the registration stage by requiring them to understand and take an oath administered in English. The oath may be administered in any language.

The repeal in the 1944 act, **supra,** of the provision for aid in preparing their ballots to persons unable to read English must be considered intentional and an indication that assistance may not be rendered in the voting booth to a person unable to speak English who is physically able to mark the ballot. Compare the language repealed, L. 1930 c. 187 par. 198, with the present provision, N.J.S.A. 19:31A-8 (authorizing aid to the blind or physically disabled only), which was enacted by L. 1944 c. 230 sec. 2 a part of the act in which the 1930 act (later embodied in R.S. 19:15-35) was repealed, L. 1944 c. 230 sec. 4. See also **State v. Sweeney,** 154 Ohio St. 223, 94 N.E. 2d 735 (Sup. Ct. 1950). But this does not make impossible the effective and intelligent exercise of the franchise by persons unable to read and write English. Many states permit persons unable to read English to vote. **Lassiter v. Northampton County Bd.** of Elections, **supra,** 79 S. Ct. at 990 n 7.

Very truly yours,
DAVID D. FURMAN
Attorney General
By William L. Boyan
Deputy Attorney General

Announcement

Joseph G. Barbieri and S. David Levy have formed a partnership under the name Barbieri and Levy, with offices at 1139 East Jersey Street, Elizabeth.

27th COURSE OF INSTRUCTION
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New Jersey Case Notes From Law Reviews

The New Jersey Law Journal, from time to time, publishes case notes on New Jersey cases as such notes appear in the various Law Reviews throughout the country, so that our readers may have the benefit of these comments on decisions of our courts. The note printed below is from The Columbia Law Review, Vol. 59, No. 3.

Newspaper Account of Senator's Press Conference Held Conditionally Privileged

After a secret executive session of the United States Senate investigating subcommittee, the late Senator Joseph McCarthy, the sole member of the subcommittee at the meeting, conducted a press conference at which he released information concerning matters presumably dealt with at the closed session. Plaintiff, a radar scientist at Ft. Monmouth, New Jersey, brought an action for defamation against the defendant newspaper for publishing accounts of Senator McCarthy's allegedly defamatory allegations of incriminating connections between plaintiff and certain convicted espionage agents. On certification of an appeal from a verdict for defendant, held, affirmed, one justice dissenting in part. Because the evidence supported the jury's findings that the Senator's statements constituted an official report of legislative proceedings and that the newspaper publication was a fair and accurate account of that report, the publication was conditionally privileged and hence not actionable in the absence of malice in fact. Coleman v. **Newark Morning** Ledger Co., 149 A.2d 193 (N.J. 1959).

A defamatory statement is not actionable if made under circumstances which, for reasons of public policy, are considered to render it either absolutely or conditionally privileged.[1] An absolute privilege has been granted by constitutional provision, statute, or common law to statements made in the course of legislative[2] or judicial proceedings,[3] and to executive communications.[4] The legislative privilege, which was developed in order to protect the legislative process from inhibitions,[5] extends to remarks made on the floor of the legislature, to statements made in meetings of legislative committees or subcommitees performing authorized investigations,[6] and to statements made in official written legislative reports.[7]

Although the absolute privilege accorded executive officers for communications reasonably within the scope of their official duties[8] has been extended to include public statements of federal executive officers,[9] and occasionally of state executive officers,[10] relating to matters committed by law to the control or supervision of the officer, absolute legislative privilege has not been extended to defamatory statements made by legislators outside the legislative or committee chamber.[11] Legislators informing the public of their acts are privileged, however, when they republish and disseminate their absolutely privileged statements and reports.[12] This privilege does not derive from the absolute privilege of legislators, but is a conditional privilege, available also to newspapers and the general public, to publish fair and accurate reports[13] of official proceedings[14] or of official documents.[15] This privilege of reporting, sometimes extended to protect reports of nongovernmental proceedings,[16] is justified on the grounds that the public should be informed of activities of national or local concern,[17] and that "any member of the public, if he were present might see for himself. . . ."[18] Thus the privilege is limited by the requirement that the proceeding, meeting, or document be public.[19]

In order not to inhibit public disclosure of information acquired in the course of secret subcommittee meetings, the court in the instant case held that defendant's publication was conditionally privileged and further indicated that Senator McCarthy's statements were also privileged. After noting the difficulty of discretely categorizing the various occasions on which a conditional privilege applies, the court referred to the conditional privilege to defame in the discharge of "a public or private duty, whether legal or moral"; the conditional privilege to publish fair comment on matters of public interest; the conditional privilege to publish fair and accurate reports of public proceedings or of official public reports; and the privilege occasionally extended to executive officers to comment publicly on matters committed by law to their control or supervision. Assuming that the court was resting its decision on the conditional privileges of fair report and fair comment, the dissenting justice objected that the former privilege was inapplicable because of the secrecy of the proceedings allegedly being reported and that, as to the latter privilege, statements charging the commission of a crime are, as a matter of law not fair comment.

The defendant's newspaper account of Senator McCarthy's press conference does not seem to fall squarely within any of the traditional categories of conditionally privileged publications. Although New Jersey has adopted the minority rule[20] that a reasonably supportable imputation of a corrupt motive is within the privilege of fair comment,[21] it would seem that, as pointed out by the dissenting justice, the more serious imputation of the commission of a crime, such as was involved in defendant's publication, should not sub silentio be considered within this privilege.[22] Furthermore, it seems unlikely that the publication could have been viewed as a report of legislative proceedings[23] since the proceedings allegedly "reported" were not attended by the defendant or indeed by any other members of the public. Because the privilege of reporting extends to official legislative reports as well as to public legislative proceedings,[24] the opinion's emphasis on the privilege of reporting is explainable by the court's finding that the Senator's remarks constituted a privileged official legislative report. It would seem, however, that since the function of the legislative privilege is to permit legislators to perform their duties more effectively, the remarks, in order to be protected, should be made in the course of official proceedings, in reports thereof which are reduced to writing and are accessible to fellow legislators as a basis for future legislation or investigation, or in other contexts intimately connected with the legislative process itself. The court in the instant case seems to have justified the extension of legislative privilege to public oral reports by referring to cases in which a comparable privilege has been accorded the public remarks of executive officers. However, since legislative activities by their nature are generally more accessible to the public and press than executive acts and communications, and since the public interest in disclosure of information obtained during legislative committee meeting is adequately protected by the existing privilege of publishing accurate and fair reports of the proceedings themselves, if public, and of the official written reports thereof, if the proceedings were not public, there would seem to be no reason to extend the privilege of legislators to inform the public of their acts beyond the existing privilege to report public proceedings or public documents. Since the question whether the Senator's remarks were themselves privileged was not directly in issue, it would have been preferable to avoid an undesirable extension of legislative privilege, by resting the decision on the undiscussed ground that the press conference was itself a public meeting of national interest which could conceivably be the subject of a conditionally privileged report by a newspaper.[25]

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[1] Newell, Slander and Libel §§ 340-41 ([illegible] 1924) (conditional privilege defeated by [illegible] actual malice). See generally [illegible].

[2] *E.g.*, U.S. Const. art I, § 6, N. J. Const. art. 4, § 4, Par. 9; Cal. Pen. Code § 258. See generally Yankwich, *The Immunity of Congressional Speech—Its Origin, Meaning and Scope*, 99 U. Pa. L. Rev. 960 (1951).

[3] *E.g.*, Cal. Pen. Code § 258; Griffith v. Slinkard, 146 Ind. 117, 44 N.E. 1001 (1896) (grand jury); Irwin v. Ashurst, 158 Ore. 61, 74 P.2d 1127 (1938). See generally Veeder, *Absolute Immunity in Defamation: Judicial Proceedings* (pts. 1-2), 9 Colum. L. Rev. 463, 600 (1909).

[4] *E.g.*, Spalding v. Vilas, 161 U.S. 483 (1896); Matson v. Margiotti, 371 Pa. 188, 88 A.2d 892 (1952); Ryan v. Wilson, 231 Iowa 33, 300 N.W. 707 (1941) (alternative holding).

[5] See, *e.g.*, Kilbourn v. Thompson, 103 U.S. 168, 204 (1880); Barsky v. United States, 167 F.2d 241, 250 (D.C. Cir. 1947), *cert. denied*, 334 U.S. 843 (1948); Coffin v. Coffin, 4 Mass. 1, 27 (1808). See generally Note, 3 Stan. L. Rev. 486, 487-90 (1951).

[6] Restatement, Torts § 590, comment *a* (1938).

[7] *E.g.*, Kilbourn v. Thompson, 103 U.S. 168, 204 (1880); Cresson v. Dispatch Printing Co., 291 Fed. 632 (D. Minn. 1923); Coffin v. Coffin, 4 Mass. 1, 27 (1808).

[8] Cases cited note 4 *supra*.

[9] Barr v. Matteo, 27 U.S.L. Week 4506 (U.S. June 29, 1959); Glass v. Ickes, 117 F.2d 273 (D.C. Cir. 1940), *cert. denied*, 311 U.S. 718 (1941); Mellon v. Brewer, 18 F.2d 168 (D.C. Cir.), *cert. denied*, 275 U.S. 530 (1927).

[10] Matson v. Margiotti, 371 Pa. 188, 88 A.2d 892 (1952), 37 Minn. L. Rev. 141 (1953) (state attorney general absolutely privileged); Ryan v. Wilson, 231 Iowa 33, 300 N.W. 707 (1941) (alternative holding) (state governor absolutely privileged). *But see* Cheatum v. Wehle, 6 Misc. 2d 988, 167 N.Y.S.2d 839 (Sup. Ct. 1957), *modified on other grounds*, 5 App. Div. 2d 448, 172 N.Y.S.2d 62 (3d Dep't 1958), *aff'd*, 5 N.Y.2d 585, 159 N.E.2d 166, 186 N.Y.S.2d 606 (1959) (conservation commissioner not privileged).

[11] See Coffin v. Coffin, 4 Mass. 1 (1808); Cole v. Richards, 108 N.J.L. 356, 158 Atl. 466 (Ct. Err. & App. 1932) (by implication); The King v. Creevey, 1 M. & S. 273, 105 Eng. Rep. 102 (K.B. 1813); Long v. Ansell, 69 F.2d 386 (D.C. Cir.) (dictum), *aff'd*, 293 U.S. 76 (1934); Kelly v. Daro, 47 Cal. App. 2d 418, 118 P.2d 37 (Dist. Ct. App. 1941) (dictum); Restatement, Torts § 590, comment *a* (1938); *cf.* Rogers v. Courier Post Co., 2 N.J. 393, 66 A.2d 869 (1949); McDermott v. Evening Journal Ass'n, 43 N.J.L. 488, 490 (Sup. Ct. 1881); Burlingame v. Burlingame, 8 Cow. 141 (N.Y. Sup. Ct. 1828).

[12] Restatement, Torts § 590, comment *b* (1938); *cf.* Murray v. Brancarto, 290 N.Y. 52, 48 N.E.2d 257 (1943) (dictum), 43 Colum. L. Rev. 547 (distribution by judge of opinion to West Publishing Co. and N.Y. Law Journal).

[13] Restatement, Torts § 590, comment *b* (1938).

[14] *E.g.*, Thompson v. Boston Publishing Co., 285 Mass. 344, 189 N.E. 210 (1934); Sherwood v. Evening News Ass'n, 256 Mich. 318, 239 N.W. 305 (1931); Garby v. Bennett, 166 N.Y. 392, 59 N.E. 1117 (1901). See generally Barnett, *The Privilege of Defamation by Private Report of Public Official Proceedings*, 31 Ore. L. Rev. 185 (1952).

[15] *E.g.*, Cresson v. Dispatch Printing Co., 291 Fed. 632 (D. Minn. 1923); Tilles v. Pulitzer Publishing Co., 241 Mo. 609, 145 S.W. 1143 (1912); Cobb v. Oklahoma Publishing Co., 42 Okla. 314, 140 Pac. 1079 (1914).

[16] See Pinn v. Lawson, 72 F.2d 742 (D.C. Cir. 1934) (church report); Pulvermann v. A.S. Abel Co., 131 F. Supp. 617 (D. Md. 1955), *aff'd*, 228 F.2d 797 (4th Cir. 1956) (speech by presidential candidate); Rabb v. Trevelyan, 122 La. 174, 47 So. 455 (1908) (race track association); Barrows v. Bell, 73 Mass. (7 Gray) 301 (1856) (meeting of medical society); Warren v. Pulitzer Publishing Co., 336 Mo. 184, 78 S.W.2d 404 (1934) (proceedings of ecclesiastical court).

[17] See, *e.g.*, Rabb v. Trevelyan, *supra* note 16; Cowley v. Pulsifer, 137 Mass. 392, 394 (1884); Barrows v. Bell, *supra* note 16; Brown v. Globe Printing Co., 213 Mo. 611, 637, 112 S.W. 462, 468 (1908).

[18] Instant case at 204, quoting Prosser, Torts 623 (2d ed. 1955); see A. H. Belo & Co. v. Wren, 63 Tex. 686, 723 (1884); Lewis v. Levy, E.B. & E. 537, 562, 120 Eng. Rep. 610, 619 (Q.B. 1858).

[19] Kimball v. Post Publishing Co., 199 Mass. 248, 85 N.E. 103 (1908); Danziger v. Hearst Corp., 304 N.Y. 244, 107 N.E.2d 62 (1952); McCurdy v. Hughes, 63 N.D. 435, 447-48, 248 N.W. 512, 516-17 (1933); A. H. Belo & Co. v. Wren, 63 Tex. 686, 723 (1884) (publication by newspaper of report of secret legislative committee released by state attorney general held unprivileged); instant case at 209 (dissenting opinion). *But see* Rabb v. Trevelyan, 122 La. 174, 187, 47 So. 455, 460 (1908).

[20] See Prosser, Torts 622 (2d ed. 1955).

[21] See Leers v. Green, 24 N.J. 239, 131 A.2d 781 (1957); Merry v. Guardian Printing & Publishing Co., 79 N.J.L. 177, 74 Atl. 464 (Sup. Ct. 1909), *aff'd* 81 N.J.L. 632, 80 Atl. 331 (Ct. Err. & App. 1911).

[22] See, *e.g.*, Star Pub. Co. v. Donahue, 58 Atl. 513 (Del. 1904); Hotz v. Alton Tel. Printing Co., 324 Ill. App. 1, 57 N.E.2d 137 (1944); Bronson v. Bruce, 59 Mich. 467, 26 N.W. 671 (1886); Upton v. Hume, 24 Ore. 420, 33 Pac. 810 (1893). *But see* Williams v. Standard-Examiner Publishing Co., 83 Utah 31, 27 P.2d 1 (1933); Owens v. Scott Publishing Co., 46 Wash. 2d 666, 284 P.2d 296 (1955), *cert. denied*, 350 U.S. 968 (1956).

[23] *But see* instant case at 201 (issue whether publication was fair and accurate account of legislative proceedings apparently was submitted to the jury).

[24] See text accompanying notes 14-15 *supra*.

[25] See note 16 *supra* and accompanying text.

Heritage Award To Philadelphia Bar

NEW YORK (ACCN)—For its new citizen program, the Philadelphia Bar Association has been announced the winner of the outstanding citizenship award of the American Heritage Foundation.

According to the foundation president, John C. Cornelius, the importance of American citizenship has been dramatized by the association through "effective and meaningful naturalization ceremonies."

He said further that it had "developed a model program welcoming our newly naturalized citizens into the full responsibilities of active participating citizenship."

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THURSDAY, SEPTEMBER 24, 1959

THE KHRUSHCHEV VISIT

As this issue is published the leader of a hostile nation concludes an unprecedented, grandiose visit to these United States. Only history will confirm the real purposes of this visit, but clearly, in the interest of world peace, we seek to impress upon our visitor the strength and vitality of this country, its political and economic system and its people.

To be sure, we cannot reasonably expect any stranger to this country to achieve that goal during a twelve-day whirlwind tour. At best, we can only impart to Mr. Khrushchev a symbolized view of America. Is it not important, then, that the places and people selected for him to see during this brief stay reflect our basic system of values as it **differs** from that of the Soviet society. It is unfortunate that Mr. Khrushchev's itinerary does not achieve this objective, but appears to stress primarily those aspects of our society in which the Russians seek to equal and surpass us: material strength, technical achievement, high productivity and an increasingly higher standard of living.

It may seem chauvinistic on our part, but we deplore the omission of any contact between Mr. Khrushchev and the American legal system. For if any institution distinguishes our political society from the Soviet, it is our legal system founded upon a dedication to the principle that we are governed by laws and not by men; that each and every individual in our society is protected against the arbitrary action of an all-powerful state by constitutional rights enforced by a free and independent judiciary; that, in sum, due process of law is available to all without distinction. This, we believe, is an insight into America which Mr. Khrushchev should carry home with him when he leaves our shores.

A CODE FOR ZONING BOARDS

As members of the Bar we are aware of the fact that with increasing frequency important and financially substantial rights are determined in variance proceedings before Zoning Boards of Adjustment acting under N.J.S.A. 40:55-39. To be sure, while the bulk of the workload of the local Boards involves routine and minor matters of limited impact, these Boards are not infrequently the primary tribunals for deciding complex issues materially affecting the public interest as well as involving the expenditure of large sums of money. While vesting this substantial power in their hands, the Legislature has failed, except in the most cursory manner, to provide any procedural requirements for the exercise of this power, but has left the rule-making authority to the discretion of the local governing bodies or to the Boards themselves.

This deficiency has been commented upon by the Supreme Court which has attempted on occasion to suggest that certain minimum requirements be observed by the Boards in the conduct of their hearings. See Tomko v. Vissers, 21 N. J. 226 (1956). Nevertheless, it is a fact that laymen are generally insensitive to the need for the protection of the fundamental rights of litigants of establishing and adhering to procedural rules and regulations in the conduct of judicial-type hearings. Moreover, as might be expected when each Board is free to establish its own rules of conduct, the procedure varies from one municipality to the next with the result that litigants and their attorneys, unless they have had previous experience with the particular Board, can never be sure of what to expect.

These comments are not intended nor to be taken as a criticism or condemnation of the membership of the local Zoning Boards. To the contrary, it is generally true that these men and women perform a notable service to their communities without compensation and too often, without recognition. Rather, the defects referred to inhere in the system which the Legislature has created.

The suggestion is that this situation can be readily corrected by the enactment of legislation prescribing uniform basic rules of procedure for all such Boards. A code of this kind could include forms prescribing the content of the application and of the notice to property owners, and should specify the manner in which the matter at issue is to be presented to the Board. Stenographic transcripts should be required, at the expense of the applicant, with power reserved to the Board to waive this requirement when discretion indicates that no transcript is necessary and that the Board's minutes will suffice.

While the adoption of a statutory code will undoubtedly deprive Zoning Board hearings of some of their informal atmosphere, the virtues of achieving some semblance of uniformity in the administration of justice under the variance statute should make up for that sacrifice.

Bar Assn's File Actions Against Railroad Brotherhood

The Virginia State Bar Association has become the seventh association to file actions in state courts against the Brotherhood of Railroad Trainmen alleging and seeking to prevent unauthorized practice of law by regional attorneys for the brotherhood. The Bar complained of the Brotherhood's so called "legal aid department" and the manner in which business is solicited for the union's counsel.

Actions have been initiated in California, Illinois, Michigan, Minnesota, Missouri and Oklahoma to prevent alleged "solicitation" and unauthorized practice" by the Brotherhood and its regional attorneys or counsel.

Report On State Of Business Of The U. S. District Court For N. J.

To Chief Judge John Biggs, Jr., Twenty-Second Annual Judicial Conference,
Third Judicial Circuit of the United States.

The following is a report on the state of business of the United States District Court for the District of New Jersey for the fiscal year ending June 30, 1959.

On the civil side, 1,176 cases were commenced and 1,254 were terminated, leaving 878 pending, whereas a year ago there were 956. The pending case load is the lowest in many years.

On the criminal side, 410 cases were commenced, and 444 were terminated. There are pending 114 cases compared with 148 cases at the close of last year. This is also the lowest pending case load in many years.

Last year, contrary to the national trend, fewer petitions in bankruptcy were filed than in the previous year. This year the filings have increased to 854 petitions as against 796 of last year. The Referees terminated 818 cases and the pending case load rose from 1,106 to 1,142. The number of cases filed was the highest in 13 years.

In the year 1958 our median time in the category "Issue to Trial" was 9.2 months. Our calculations for this year indicate that we have maintained or slightly improved this statistic. This is noteworthy because Judge William F. Smith was relieved of duty in this district during the last three months of the fiscal year 1959 in order to supervise the attack on the backlog of cases in the Eastern District of New York.

For the reasons advanced to the Judicial Conference of this Circuit on February 14, 1957 the recommendation is reiterated that at least one additional judgeship for this district should be authorized by Congress now.

It is also anticipated that final figures in the Annual Report of the Administrative Office will disclose that there has been a marked decrease in the number of jurors called and not used.

On the whole the condition of business in this district can be said to be good, due in no small measure to the contribution made by the effective administration of the court's affairs by Mr. Michael Keller, Jr., its Clerk, and his able staff.

Respectfully submitted,
Phillip Forman, C. J.,
United States District Court,
District of New Jersey

Rules On Jurisdictional Amount In Federal Court Cases

The U.S. Court of Appeals for the Third Circuit reversed an order of the District Court for the Western District of Pennsylvania which dismissed an action on the ground that the jurisdictional amount required by 28 U.S.C. 1331, then $3000, was not involved. The appeals court held that it could not be justifiably determined in limine that plaintiff could not produce evidence to support a verdict in excess of $3000 and, citing from St. Paul v Red Cab, 303 U.S. 283, said:

> ". . . The rule governing dismissal for want of jurisdiction in cases brought in the federal court is that, unless the law gives a different rule, **the sum claimed by the plaintiff controls if the claim is apparently made in good faith.** It must appear to a legal certainty that the claim is really for less than the jurisdictional amount to justify dismissal. **The inability of plaintiff to recover an amount adequate to give the court jurisdiction does not show his bad faith or oust the jurisdiction.** Nor does the fact that the complaint discloses the existence of a valid defense to the claim. But if, from the face of the pleadings, it is apparent, to a legal certainty, that the plaintiff cannot recover the amount claimed, or if, from the proofs, the court is satisfied to a like certainty that the plaintiff never was entitled to recover that amount, and that his claim was therefore colorable for the purpose of conferring jurisdiction, the suit will be dismissed. **Events occurring subsequent to the institution of suit which reduce the amount recoverable below the statutory limit do not oust jurisdiction."** (emphasis supplied).

Thus, the ad damnum of the complaint, as where the right to unliquidated damages exists, generally suffices to support the requirement of jurisdictional amount.

The decision was rendered in Wade v Rogala, No 12848, opinion by Kalodner, C.J. filed Sept 17, 1959.

Federal Bar Ass'n Convening For Annual Meeting

The Federal Bar Association is holding its 1959 annual convention at the Hotel Statler in Washington, D.C., today through Saturday. The theme of the convention this year is "Western Hemisphere Solidarity".

Among the speakers at the various sessions will be Chief Justice Earl Warren; Earl Kintner, chairman of the Federal Trade Commission; Hon. George M. Johnson, member U.S. Commission on Civil Rights; John D. Randall, President of the American Bar Ass'n and the Hon. Luis Munoz Marin, Governor of Puerto Rico.

Panelists at various panel sessions will include such notables as the U.S. Ambassador to Boliva, the Director of the Department of Social and Economic Affairs of the Pan-American Union, members of the Peruvian and Brazilian embassies, the Ambassador of Ecuador, and the Secretary General of the Organization of American States.

Lie Detector Test Results Admitted

Accused Acquitted On Basis Of All Evidence

The results of a lie detector test were admitted in evidence in a trial before Judge Masucci in the Essex County Court this week, after both the State and the accused had consented to the taking of the test and the admission into evidence of the results. It is believed this is the first time such evidence has been admitted in a criminal trial in New Jersey.

The test indicated that the accused, Charles Glunk, was telling the truth when he denied that he was involved in the robbery with which he was charged. The only evidence against Glunk was an identification made from a photograph, by the robbery victim several days after the holdup.

Judge Masucci directed a verdict of acquittal on the basis of all of the evidence in the case.

New Steps To Tighten Bar Discipline Announced

One of the most significant developments in recent years in the field of legal profession discipline was announced at the American Bar Association annual meeting in Miami Beach last month. Retiring ABA President Ross Malone disclosed he had concluded an arrangement with Attorney General William P. Rogers under which the Justice Department will turn over to the ABA promptly transcripts of testimony before Congressional investigating committees which points to possible misconduct on the part of lawyers. The ABA will, in turn, forward the testimony for investigation to the grievance committees of the state or local bar association where the lawyer is admitted to practice.

The new procedure is expected to be put into operation immediately. It is aimed to bring disciplinary action against lawyers whose misconduct—either criminal or unethical—is brought out in Congressional hearings. Many of these instances are widely publicized, but sometimes they are not promptly investigated because no one files a complaint or because committees in the states do not have ready access to hearing transcripts. The Justice Department regularly reads transcripts for evidence of criminality; under the new plan it now will apprise the ABA of any instance involving a lawyer in which it feels that bar grievance action is warranted.

In cases where the lawyer involved is a member of ABA investigation also will be made by the ABA's grievance committee. Both Mr. Malone and Attorney General Rogers agreed that quick investigative action in such cases is in the interest both of the public and the bar. Final disciplinary action rests, of course, with the courts.

Prof. Cowan To Take Part In International Law Congress

NEWARK, Sept. 24—Professor Thomas A. Cowan of Rutgers School of Law will be the only American to take part in the 50th anniversary Congress of the International Society for Law and Social Philosophy at Vienna, Austria next week, Sept. [illegible]

The State University legal philosopher's paper on Legal Norms and Social Structure will be presented and discussed for half a day at the three day conference of representatives of Austria, Chile, Italy, the U.S., the U.S.S.R. and Yugoslavia.

The I.S.L.S.P. is the oldest learned society of its type in the world.

REVIEW OF U.S. SUPREME COURT'S WORK

article that follows is the eighth series briefly summarizing the and work of the Supreme ing its last term. The pre- articles reviewed the highlights of the Term and deci- business regulation, taxation, relations, jurisdiction and pro- and criminal law.

ECISIONS ON GOVERNMENT ERSONNEL, PROPERTY, AND NTRACTS

a decision affecting thou- ds of defense contractors and employees, the Supreme last Term knocked out the Department's indus- security clearance program. on the narrow ground that Department had not been rized by Congress or the ident to create the program which defense contrac- employees might be exclud- from their jobs by proceed- in which they were denied right of confrontation and -examination.

aeronautical engineer a court order declaring Defense Department's revo- n of his security clearance wful. Urging affirmance of District of Columbia Court Appeals' denial of relief to engineer, the government eded that the Defense De- rtment's industrial-security gram had not been "explicitly rized by statute." It ar- ed however, that the Presi- by executive order had in eral terms authorized the De- rtment to establish proced- to restrict the dissemination lassified information and acquiesced in the Depart- 's program. Moreover, Con- also had acquiesced in the gram and had ratified it by fically appropriating funds nance one aspect of it.

nstitutional Basis

The requirements of confront- n and cross-examination e ancient roots," Chief Jus- Warren pointed out. They safeguarded by the Sixth endment, and the Supreme "has been zealous to pro- these rights from erosion" in cases involving administrative and regulatory action, as well as criminal cases. Under the Defense Department's clearance procedures, he said, "not only is the testimony of absent witnesses allowed to stand without the probing questions of the person under attack which often uncover inconsistencies, lapses of recollection, and bias, but, in addition, even the members of the clearance boards do not see the informants or know their identities, but normally rely on an investigator's summary report of what the informant said without even examining the investigator personally."

Ratification

"If acquiescence or implied ratification were enough to show delegation of authority to take action within the area of questionable constitutionality," Mr. Chief Justice Warren observed, "we might agree * * * that delegation has been shown here. In many circumstances, where the government's freedom to act is clear, and the Congress or the President have provided general standards of action and have acquiesced in administrative interpretation, delegation may be inferred. Thus, even in the absence of specific delegation, we have no difficulty in finding, as we do, that the Department of Defense has been authorized to fashion and apply an industrial clearance program which affords affected persons the safeguards of confrontation and cross-examination. But this case does not present that situation. We deal here with substantial restrains on employment opportunities of numerous persons imposed in a manner which is in conflict with our long-accepted notions of fair procedures. Before we are asked to judge whether, in the context of security clearance cases, a person may be deprived of the right to follow his chosen profession without full hearings where accusers may be confronted, it must be made clear that the President or Congress, within their constitutional powers specifically have decided that the imposed procedures are necessary and warranted and have authorized their use. Cf. Watkins v. United States, 354 U.S. 178; Scull v. Virginia, 359 U.S. 344, 25 LW 4510. Such decisions cannot be assumed by acquiescence or non-action. Kent v. Dulles, 357 U.S. 116, 25 LW 4413; Peters v. Hobby, 349 U.S. 331, 23 LW 4311; Ex parte Endo, 323 U.S. 283, 301-302. They must be made explicitly not only to assure that individuals are not deprived of cherished rights under procedures not actually authorized, see Peters v. Hobby, supra, but also because explicit action, especially in areas of doubtful constitutionality, requires careful and purposeful consideration by those responsible for enacting and implementing our laws. Without explicit action by lawmakers, decisions of great constitutional import and effect would be relegated by default to administrators who, under our system of government, are not endowed with authority to decide them."

"In the instant case", the Chief Justice declared in conclusion, "petitioner's work opportunities have been severly limited on the basis of a fact determination rendered after a hearing which failed to comport with our traditional ideas of fair procedure. The type of hearing was the product of administrative decision not explicitly authorized by either Congress or the President. Whether those procedures under the circumstances comport with the Constitution we do not decide. Nor do we decide whether the President has inherent authority to create such a program, whether congressional action is necessary, or what the limits on executive or legislative authority may be. We decide only that in the absence of explicit authorization from either the President or Congress the respondents were not empowered to deprive petitioner of his job in a proceeding in which he was not afforded the safeguards of confrontation and cross-axamination."

Mr. Justice Frankfurter, Mr. Justice Harlan, and Mr. Justice Whittaker agreed with reservation; they concurred only "on the ground that it has not been shown that either Congress or the President authorized the procedures whereby petitioner's security clearance was revoked, intimating no views as to the validity of those procedures." In a separate concurrence, Mr. Justice Harlan outlined his view as follows:

"My unwillingness to subscribe to the Court's opinion is due to the fact that it unnecessarily deals with the very issue it disclaims deciding. For present purposes no more need be said than that we should not be drawn into deciding the constitutionality of the security-clearance revocation procedures employed in this case until the use of such procedures in matters of this kind has been deliberately considered and expressly authorized by the Congress or the President who alone are in a position to evaluate in the first instance the totality of factors bearing upon the necessity for their use. That much the courts are entitled to before they are asked to express a constitutional judgment upon an issue fraught with such important consequences both to the government and the citizen."

To Mr. Justice Clark, the lone total dissenter, the case was "both clear and simple"—no one has "a constitutional right to have access to the government's military secrets."

"I suppose that the present fastidiousness of the Court," he commented, "can be satisfied by the President's incorporating the present industrial security program into a specific Executive Order or the Congress' placing it on the statute books. To me this seems entirely superfluous in light of the clear authorization presently existing in the Cabinet officers. It also subjects the Government to multitudinous actions —and perhaps large damages— by reason of discharges made pursuant to the present procedures.

"And I might add a nota bene. Even if the Cabinet officers are given this specific direction, the opinion today, by dealing so copiously with the constitutional issues, puts a cloud over both the Employee Loyalty Program and the one here under attack. Neither requires that hearings afford confrontation or cross-examination. While the Court disclaims deciding this constitutional question, no one reading the opinion will doubt that the explicit language of its broad sweep speaks in prophecy. Let us hope that the winds may change. If they do not, the present temporary debacle will turn into a rout of our internal security." (Greene v. McElroy, 27 LW 4528)

Motives

In a companion case decided the same day as Greene, the Court found moot similar issues presented in the suit of another defense contractors employee who had been deprived of industrial clearance. The Court noted that the employee had received clearance, "the ultimate relief which he demanded," while his appeal from an adverse judgment below was pending. In view of this, it said, "and in view of the representations of the Solicitor General to the effect that petitioner stands in precisely the same position as all others who have been granted clearance, that the evidence in petitioners files will not be used against him in the future, and that the findings against petitioner have been expunged, this case is moot." (Taylor v. McElroy, 27 LW 4558)

Nonsensitive Positions

In support of the Interior Department's dismissal of an employee for security reasons, the government argued that the meager hearing accorded him by the Department's security officer and hearing board were more than his due. After the employee's 1954 dismissal, the Government pointed out, the Supreme Court held in Cole v. Young, 24 LW 4295, that the Summary Suspension Act of 1950 and Executive Order 10450 did not apply to government employees in nonsensitive positions. Since the

(Continued on page 6, col. 1)

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Symposium On Space Law Sponsored By Air Force Reserve Group

International Authorities Head List of Speakers

New York City, N. Y. — The need for a system of law governing outer space use and the progress being made by the various national and international authorities studying such systems will be discussed at a Space Law Symposium here at the United States Courthouse, Foley Square, on October 15th.

Sponsoring the Symposium are the United States Air Force Reserve Judge Advocates General attached to the New York City Air Reserve Center. The Center is headquarters for U.S. Air Force Reserve activities in New York City and the metropolitan area.

Among the international authorities participating in the Symposium are Sir Leslie K. Munro, former President of the U.N. General Assembly and Ambassador to the United States, and present special representative of the U.N.; Professor Philip C. Jessup, Columbia University Law School, former member of the State Department, member of the U. S. Delegation to the U.N. and co-author of the book, "International Control of Outer Space", to be published on or about October 15th; and Major General Reginald C. Harmon, Judge Advocate General of the United States Air Force.

Members of the United Nations 18 Nation Outer Space Committee, National Space Agencies, Federal and State Judiciary, Educational and Professional Institutions and Industries of the Air Age, are among the invited guests.

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Review of U.S. Supreme Court's Work

(Continued from page 5)

employee's position had at no time been designated as sensitive, the effect of Cole v. Young was to render inapplicable to the employee the Department's procedural rules in loyalty cases under which he had been dismissed. Therefore, the argument ran, the employee, who lacked status under the Civil Service Act, the Veteran's Preference Act, and other statutes relating to the employment rights of government employees, could have been discharged by the Secretary of Interior at any time, for no reason at all, and without any hearing.

Turning down this argument, Mr. Justice Harlan declared that the government "misconceives the effect of our decision in Cole. It is true that the Act of August 26, 1950, and the Executive Order did not alter the power of the Secretary to discharge summarily an employee in petitioner's status, without the giving of any reason. Nor did the Department's own regulations preclude such a course. Since, however, the Secretary gratuitously decided to give a reason, and that reason was national security, he was obligated to conform to the procedural standards he had formulated in Order No. 2733 for the dismissal of employees on security grounds. Service v. Dulles, 354 U.S. 363, 25 LW 4494. That Order on its face applies to all security discharges in the Department of the Interior, including such discharges of Schedule A employees. Cole v. Young established that the Act of August 26, 1950, did not permit the discharge of nonsensitive employees pursuant to procedures authorized by that Act if those procedures were more summary than those to which the employee would have been entitled by virtue of any pre-existing statute or regulation. That decision cannot, however, justify noncompliance by the Secretary with regulations promulgated by him in the departmental Order which as to petitioner afford greater procedural protections in the case of a dismissal stated to be for security reasons than in the case of dismissal without any statement of reasons. Having chosen to proceed against petitioner on security grounds, the Secretary here, as in Service, was bound by the regulations which he himself had promulgated for dealing with such cases, even though without such regulations he could have discharged petitioner summarily."

The government advanced an additional claim that, if the initial discharge were not effective, the employee had been validly dismissed in October 1956. At that time a second discharge notice omitting all reference to any statute, order, or regulation relating to security discharges, had been delivered to the employee. However, this claim fared no better.

"Granting that the Secretary could at any time after Sepember 10, 1954, have validly dismissed peitioner without any statement of reasons, and independently of the proceedings taken against him under Order No. 2738, we cannot view the delivery of the new notification to petitioner as an exercise of that summary dismissal power,' Mr. Justice Harlan said.

"Rather, the fact that it was dated '9-21-54,' contained a termination of employment date of '9-10-54,' was designated as 'a revision' of the 1954 notification, and was evidently filed in the District Court before its delivery to petitioner indicates that its sole purpose was an attempt to moot petitioner's suit in the District Court by an 'expunging' of the grounds for the dismissal which brought Order No. 2738 into play. In these circumstances, we would not be justified in now treating the 1956 action, plainly intended by the Secretary as a grant of relief to petitioner in connection with the form of the 1954 discharge, as an exercise of the Secretary's summary removal power as of the date of its delivery to petitioner.

"It follows from what we have said that petitioner is entitled to the reinstatement which he seeks, subject, of course to any lawful exercise of the Secretary's authority hereafter to dismiss him from employment in the Department of the Interior."

Nevertheless, four justices, dissenting in part, took the view that the second notification was effective. Speaking for them, Mr. Justice Frankfurter declared:

"This is the common sense of it: In 1956 the Secretary said to Vitarelli: 'This document tells you without any ifs, ands, or buts, you have been fired right along and of course that means you are not presently employed by this Department.' Since he had not been fired successfully in 1954, the Court concludes he must still be employed. I cannot join in an unreal interpretation which attributes to governmental action the empty meaning of confetti throwing." (Vitarelli v. Seaton, 27 LW 4347)

Leases

When the government attempted to revoke its lease of an airfield located in Illinois, the lessee balked. He refused to vacate, claiming that under the lease terms the Government had authority to revoke only if it proposed to use the field in connection with naval aviation activities and not, as the government sought to do, in order to use the land as an army defense missile site. At this juncture, the government filed suit to condemn whatever interest the lessee might have in the airfield, alleging that in fact, by virtue of revocation of the lease, the lessee had no interest.

The Court of Appeals for the Seventh Circuit upheld a condemnation award in favor of the lessee on the theory that the Government had elected to abandon its prior revocation by suing for condemnation. Reversing, the Supreme Court took the view that it was immaterial that the doctrine of election of remedies was part of the law of Illinois. "Condemnation involves essential governmental functions," the Court said; and "where essential interests of the federal government are concerned, federal law rules unless Congress chooses to make state laws applicable. It is apparent that no such choice has been made here."

As for the lessee's contention that the lease permitted revocation only if the government wanted the land for naval aviation purposes, the Court stated: "It is true that the preamble to the agreement states that the airfield was leased, rather than sold, because it was needed in stand-by status for naval aviation activities. It is also true that immediately following the preamble there is a statement, common in many contracts, that 'Now Therefore, in consideration of the foregoing, and of the covenants hereinafter mentioned, the Government' leases the airport. There is no indication, however, either in the lease itself or as far as we have been shown, in the history of the agreement, that this preamble and the formal legal statement immediately following it meant to limit the express, and unequivocal clause of the lease allowing revocation at the will of the Secretary of the Navy in the event of a national emergency. Instead the preamble can be easily understood, in view of the Surplus Property Act of 1944, which required all surplus property to be disposed of, as a mere statement of why the property was not considered surplus. In addition the statute which authorized the airport lease, provided that such leases shall be revocable 'at any time, unless the Secretary shall determine that the omission of such provision from the lease will promote the national defense or will be in the public interest. In any event each such lease shall be revocable by the Secretary * * * during a national emergency declared by the President.' Under the circumstances, we cannot and will not assume that an explicit revocation clause in the lease means any less than it seems to mean. We therefore hold that the revocation was valid and effective."

(U.S. v. 93.970 Acres of Land, 27 LW 4481)

Limitations

In a laconic, two-line opinion citing Rex Trailer Co. v. U.S. 24 LW 4046, the Court affirmed a Third Circuit Court of Appeals ruling that the statute of limitations did not bar a government suit brought under Section 26 (b)(1) of the 1944 Surplus Property Act for the recovery of $2,000 and double damages for each of several alleged fraudulent transactions. The recovery authorized by Section 26(b)(1) was "compensatory damages," the Third Circuit had said, hence limitations did not apply.

But as Mr. Justice Stewart, joined by Mr. Justice Douglas, and Mr. Justice Whittaker saw the situation, Rex was not controlling, and reversal was in order. Section 26(b)(1) imposes a "civil penalty," Mr. Justice Stewart argued and therefore the government's suit was subject to the five-year limitation period fixed by Judicial Code Section 2462. (Koller v. U.S., 27 LW [illegible])

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Zoning In Transition

Continued from page 1)

Conservative Dissent

my opinion, Mr. Justice dissent deserves careful by planning and zoning students throughout the na- In voting to set aside the variance, this outstanding jurist raises questions vital the future of zoning.

attacks the majority's holding that a burden is not a necessary element of the "special reason" requirement for a variance use regulations under R.S. -39 (d). He points to a 1955 by the N. J. Supreme which stated that a variance is to remedy a burden upon individual land-owner that be disproportionate to the need, and that it has to property uniquely circumstanced. Half a dozen New Jersey cases and five texts are invoked by Justice Hall to the effect that the Case is in line and the under discussion is not.

majority interpretation according to Justice Hall produces the odd result that when variation from the ordinance is sought under section hardship and difficulty must shown, but when the infinitely greater use variance is applied for under (d) much less suffice. If a variance can obtained through a "special procedure that requires that the proposed use will the "general welfare," it can be applied to a business in a residential zone, as as to the desirable educational use of this case. He adds "paramount affirmative be given only to the general desirability of convenience ... with little regard to the effects of such locations." He contemplates that "by the of the majority opinion it appears we will have almost unled discretion in the local administrative agencies to grant variance under so-called standards so broad that almost variance allowed will have sustained. The use restrictions of the ordinance have become a rather coarse sieve. I am convinced that the basic concept zoning by districts in accordance with a comprehensive will consequently, for all practical purposes disappear and spot zoning has in effect given a legal blessing."

Since in this case the land does suffer a hardship, he said, since the variance remedy is not proper, the appropriate device is the exception provided in (b) of 39 of the statute.[3] The enabling act permits a local ordinance to require approval of the local administrative agency as to the location of uses that are deemed desirable, and not incompatible, but not at every or any location. But an exception under this ordinance, which Mr. Justice Hall categorized as a "misfit", would mean that the parochial school would be located on the border of a dangerous highway.

In the remainder of the dissent, Mr. Justice Hall maintains that whether the application is treated as for a variance or an exception, the proof before the board did not sustain a finding that the parochial school would not substantially impair the intent and purpose of the zoning ordinance. By not allowing plaintiffs an opportunity to properly and thoroughly present their case to the Board of Adjustment, after the applicant presented a thoroughly prepared case, the record was one-sided. The dissent concludes with the point that the testimony offered by the applicant was either not pertinent or without support in a comparable situation.

III. The First Period

It seems to me that the discussion of the "special reason" section in this case prompts a hard look as to where we are and where we are going in zoning law.

Without going back to Methusaleh and his views on the matter, but recognizing as Justice Holmes did "that a page of history is worth a volume of logic" I suggest that our analysis begin with the first period of zoning—roughly the period between the two world wars. For the ideas of that interval to a large extent control our law now.

To remedy land use headaches that resulted from each real property owner's attempt to maximize his profit, a simple cure was prescribed. A new land use causing danger and inconvenience would be allowed but segregated. Through use zoning harm would be minimized. This cure was deemed more potent than the nuisance doctrine and protective covenants.

An engineer-lawyer named Weismantel[4] has explained the triumph of the zoning patriarchs as follows: "The draftsmen of these early acts and ordinances had succeeded, because they had drafted with lawyerlike caution. They made their work simple and articulate. So that each owner could be assured some profitable use of his land zoning maps were prepared and adopted. To the owner who believes that his lot was unique and could not be developed properly if the zoning maps were followed, an administrative remedy was given. He could get a 'variance' from the strict letter of the ordinance upon a showing of 'undue difficulty or unnecessary hardship.'

It is clear that the administrative remedies, variance and the special exception, were legislative attempts to resolve the conflict between the private property owner's right to use his property as he pleased and the community's power to promote health, safety, morals, and its general welfare. The aim was to afford necessary flexibility, an objective that from the beginning has been a central theme. Further, because of confiscatory[5] cases which might come under zoning ordinances, the variance was deemed to be a safety device to impart to the enabling acts a constitutional validity.[6]

Recognizing that it is almost impossible to draft an ordinance that deals equitably with all zoning situations, an administrative board was created. Consequently it must be remembered that the primary raison d'etre of Boards of Adjustment (or Appeal in other states) was and is to handle "hard cases" in such a way as to minimize the possibility of their reaching the courts (and endangering the ordinance as a whole) or being turned into requests for amendment of the ordinance.[7]

Generally these boards are still deemed to be quasi-judicial, having fact-finding and discretionary powers.[8] (For example Mr. Justice Hall in the Andrews case criticized the trial judge for making his own findings of fact "rather than reviewing those made by the board as is the proper practice.") Many have followed the zoning leader, Edward Bassett, and repeated that since the boards are not legislative bodies they are not at liberty to decide what is best for the community.[9]

To trace out in detail what these boards have done, what many courts, lawyers, and planners have said that they should do, and to explain the gap between practice and stricture is beyond the scope of this paper. Nevertheless since Boards of Adjustment have developed as keystones in the edifice of zoning, our appraisal cannot overlook them.

These boards have been confronted with such ambiguous statutory standards as "practical difficulties or unnecessary hardships" or references to the "spirit" or "general purpose and intent of the ordinance", or to "public welfare" and substantial justice.[10]

These imprecise standards certainly have not helped curtail the frequent and multitudinous complaints against them. A host of lawyers and planners have bitterly accused Boards of Adjustment of being law violators, and undoers of zoning, and a variety of other wrongdoing.[11]

Yet for more than thirty years courts have been trying to formulate rules concerning the functioning of an even greater number of Boards.[12] Without at this time describing and analyzing these rules, it must be pointed out their consistency and certainty are more apparent than real.[13] Nor does the increased

(Continued on page 8, col. 1)

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[2] v. Pozner, 21 N. J. 199.

[3] Hall cites 54 N. J. Super. 483, [illegible] 1959).

[4] Zoning, "A Space Fight With a Bright Future," William L. Weismantel, St. Louis University Law Journal, vol. 2, 1952-3, pp. 215-229, at p. 215.

4a. Compare this with subsequent events when persons without legal training have prepared less and less clear zoning ordinances.

[5] This was acknowledged by an early writer, Williams, in "Law of City Planning and Zoning" 282 (1922).

[6] cf. Protomastro v. Bd. of Adjustment, 137 N.J.L. 250, 59 A. 2nd 644 (Sup. Ct. 1948). Harvard L.R. vol. 62, p. 327 (Dec. 1948).

[7] "The Power of the Zoning Board of Adjustment to Grant Variances from the Zoning Ordinance", Philip P. Green, North Carolina Law Review, Vol. 27, at p. 246 (1951).

[8] McQuillin, Municipal Corporations, 3rd ed., sec. 25, 230, pp. 434-36.

[9] Charles Rhyne in his concise text "Municipal Law" at p. 859 cites more than twenty decisions throughout the nation to support this proposition.

9a. Another constitutional apprehension (in addition to avoiding the charge of confiscation)—the rule against the delegation of legislative power—explains the minimization of the Board of Adjustment's role as an adjunct of the legislative body and as a participant of the legislative process. The consequent accentuation of the Board's "judicial" nature has often confused analysis. This is discussed further in a later section of this paper.

[10] Some courts (in Md. and Ill.) have held these statutory standards to be invalid because of their vagueness.
a) Sugar v. N. Baltimore Methodist Episcopal Church, 165 Atl. 703 (1933).
b) Welton v. Hamilton, 176 N.E. 333 (1931).

[11] See for example (a) "The Place of the Planning Commission and Bd. of Zoning Appeals in Community Life," Vanderbilt Law Review, Vol. 8 1955, pp. 801, 803. (b) "Losing the Effects of Zoning through Leakage" Zoning Round Table conducted by Hugh R. Pomeroy, 7 Planning and Civic Comment 13, Oct. 1941, p. 9. (c) "Variances, Exceptions and Conditional Use Permits in California." Edward H. Gaylord, U.C.L.A. review, vol. 5, March 1958, no. 2, p. 196. (d) "Administration of Zoning Variances in 20 Cities", 30 Pub. Management, 70 (1948). (e) Blucher, "Is Zoning Wagging the Dog?" in *Planning* 96, 100 (1956). (f) Note, 103 U. of Pa. L. Rev. 516 (1955).

[12] (a) "The Granting of a Variance Based on Unnecessary Hardship," Frank D. Jacobs, Vol. 56, 1958, (b) "'Undue or Unnecessary Hardship' and The Granting of Zoning Variances" Stephen Sussna, N.J.L.J., Feb. 12, 1959, pp. 5,6

[13] (a) To cite two examples of many: Generally courts regard the applicant with disfavor since the claimed hardship could have been avoided by not purchasing the land. But is this consistent with the rule that the granting of a variance depends on the nature of the property rather than its owner?
(b) The widely quoted dogma that the board should not be overruled in the absence of a manifest and flagrant abuse of discretion is convenient verbiage for courts already inclined towards upholding it. But when a court is disinclined to sustain, then it is obligated to exaggerate the Board's abuse of discretion.

Bureau To Handle New Labor Law Is Set Up; Rules Ready In 10 Days

WASHINGTON (ACCN) — The signing into law last week by the President of the Labor-Management Reporting and Disclosure Act of 1959, requires the Department of Labor to assume certain new duties and responsibilities.

In this connection, Secretary of Labor James P. Mitchell issued this statement:

The following steps have already been taken to carry out [the department's new] responsibilities:

1—A new bureau to be known as the Bureau of Labor-Management Reports has been organized within the Department of Labor.

2—Work is well along on the development of the necessary forms and procedural instructions to be issued by the Department of Labor for labor unions, management firms and labor and management officials who will report under the new law.

Within 10 days of this announcement the department will issue preliminary regulations advising unions of the procedures to be followed in filing trusteeship reports which are due within 30 days.

The Labor Organization Report Form which is to accompany the submittal of copies of constitutions and by-laws from all unions within 90 days has been prepared in preliminary form and a quarter of a million copies will be distributed for the use of unions well in advance of the expiration of the 90 day period.

3—General information bulletins explaining the provisions of the law for the guidance of labor and management officials, union members and the general public are being prepared for release.

4—The AFL-CIO and representative management trade associations have been requested to designate representatives to consult, in the initial phases of planning, with officials of the Department of Labor on the details of the new law with respect to the particular provisions affecting them.

5—Representatives of the Department of Labor in 21 major cities across the country will be available immediately to explain the provisions of the law to interested persons.

These representatives will be stationed in the following cities: Chicago, Minneapolis, Boston, New York, Buffalo, Philadelphia, Pittsburg, Birmingham, Atlanta, Cleveland, Detroit, Kansas City, St. Louis, Denver, San Francisco, Seattle, Los Angeles, Raleigh (N. C.), Nashville, Memphis, Dallas.

Announcement of the names and addresses of these representatives will be released locally.

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Zoning In Transition

(Continued from page 7)

percentage of zoning contention as time advances connote that all is well. And surely it is questionable whether the citizens who compose these local administrative agencies should be singled out individually or collectively. The Andrews case and others indicate that much more is involved.

IV. The Changing Present

There were indications before the Andrews case that the New Jersey courts were headed in the direction of a more liberal attitude towards variance applicants. The vehicle was as in the Andrews case the unique "special reasons section[14]". And it is quite possible that other states will adopt an equivalent of this section, and that the majority interpretation of the N. J. Supreme Court will be adopted. This, of course, will mean that many variances will be granted without the prerequisite of exceptional and undue hardship upon the applying property owner. It is also quite possible that Justice Hall will be proven correct in his prediction "that the basic concept of use zoning by districts in accordance with a comprehensive plan will . . . disappear . . .", and that the zoning walls will fall.

Actually we have been moving in this direction and away from what Professor Haar has termed Euclidean Zoning for some time. Post World War II technology has been a factor in accelerating the demand for more flexible land use control than the Euclidean use, height, and bulk rigidities. Perhaps the Euclid v. Ambler decision was somewhat obsolete when it was written. Perhaps the various "sins" of Planning and Zoning Boards — granting variances without "undue hardship," "spot zoning", etc. are due in large part to the inadequacies and inflexibility of Euclidean zoning.

Consider for example the following. (1) Justice Hall's prediction becomes a reality and a variance is granted to include a business in a residential district through the "special reason" procedure. Is there any doubt that such 'variances' and 'spot-zoning' have had good results as well as bad. The non-conforming grocery may very well be more beneficial than a series of conforming uses. Patently to be a worthwhile tool of democratic and rational planning,[15] zoning has to do much more than create walls that are now too often undemocratic and irrational.

Professor Perkins[16] discussing a use generally deemed to be the most incompatible to residences states: "Of course all industries have not yet, and perhaps because of the nature of their processes, cannot ever attain the status of good neighbors in a residential area. But certainly many have and this fact should make us reconsider our hide-bound attitudes."

If as Justice Hall acknowledges the general welfare can be promoted by having "mixed" land-uses that are compatible what happens to Euclidean zoning. Perhaps "the use restrictions of the ordinance have become a rather coarse sieve"[17] because they can promote the "general welfare" as well or better than Euclidean zoning and its accoutrements — variances based on unnecessary hardship, etc.

Yet the fact that we can now to a considerable degree (and it is probable that this will increase) scientifically measure and analyze the consequences of different neighboring land uses, does not mean that lagging, irrational attitudes will disappear. The Andrews decision is no trumpet to tumble down all the walls of Euclidean zoning.

(2) Notwithstanding the basic statutory requirement that zoning be in accord with a comprehensive plan, the vast majority of zoning ordinances are not the end-products of thorough, objective planning. Professor Haar's questions can hardly be dismissed as rhetorical.[18] He asks:

Can the long-term interest be protected by people who do not "own" the land?

Can a democracy, based on majority rule, even plan for the future?

Can there be community planning in our society? If there can't be community planning, or if the planning can't be effective, are we slated to have zoning without planning? Perhaps a recent comment by a leading planner deserves wider contemplation. Mr. Henry Churchill put it this way . . . "Actually the best planning, like the best government is that which is least planned and least governing."

(3) Why was it recognized from the very inception of zoning that some persons may be exempted from the strict requirements of the ordinance? Certainly such police regulations as building codes and health codes demand absolute compliance. Keen students of land-use controls in the United States[19] have realized that the threatened risk that zoning seeks to prevent is more indirect and speculative. Or to put it in the extreme language of an early decision "'zoning is one of the latest examples of the interference with private rights upon the claim of what is rather indefinitely termed the general welfare."[20]

(4) To simply generalize that Boards of Adjustment are divorced from legislative power is a highly questionable practice. Reviewed from its purpose a Board of Adjustment does act in a legislative capacity. For it does vary or modify the strict letter of the ordinance. An applicant for a variance seeks a change in the existing ordinance, and not a judicial determination that the ordinance is invalid. The following conclusion is reached by Notre Dame Law School Professor Edward J. Murphy[21] "if they (Boards of Adjustment) are to be properly assimilated into a sound scheme of zoning practice and procedure then their essential nature must be explicitly recognized." This Professor Murphy submits is for these agencies to act in legislative capacity that is supervised by the legislative body itself or by the judiciary.

V. Future Direction

We are heading towards a system of zoning that will consider the merits of specific proposals more and more. This hardly means that Euclidean zoning will immediately disappear. But the relatively cumbersome sets of criteria (ie. the rules pertaining to the granting of variances) are being gradually replaced by more flexible land use controls. In addition to broad use of the "special reason" device, witness the increased popularity throughout the nation of special exceptions or custom-made amendments.

Cases such as Andrews v. the Twp. of Ocean underline the weaknesses of the traditional districting method and accelerate the move towards different methods of land control. It must be remembered that this need for flexibility was recognized in the beginning, even though its manifestations took different forms.

It is true that the attempt to evaluate each land use problem on its own merits presents new problems. Certainly the possibilities of abuse have to be carefully considered. But such facts as the increased realization that neighboring building with widely different uses can be so designed and located as to maximize the general welfare, and the increased questioning of a system that dictates how vacant land should be developed many years before the owner wants to use it, will compel zoning adaptations of the Andrews variety.

I must admit that I do not share Justice Hall's belief that "By the sweep of the majority opinion . . . we will have almost untrammeled discretion in the local administrative agencies to grant a use variance under so-called standards so broad that almost every variance allowed will have to be sustained."

I do believe with Chief Judge Learned Hand that "a government of laws without men is as visionary as a government of men without laws; the solution will always be a compromise based on experience."[22]

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[14] See for example, Grimley v. Ridgewood, 133 A. 2d.

[15] "Planning Law and Democratic Living", Norman Williams, Jr., Law and Contemporary Problems, Duke University, Vol. 20, Spring, 1955, #2.

[16] "The Regional City," Perkins. The Future of Cities and Urban Redevelopment, pp. 32-39. (Woodbury, ed.).

[17] Justice Hall's dissent.

[18] "Land-Use Planning", A Casebook on the Use, Misuse, and Re-Use of Urban-Land. Charles M. Haar, Little, Brown, and Company, Boston, Toronto, p. 744.

[19] *Land-Use Controls*. American Casebook Series. West Publishing Co., St. Paul, Minn. 1955, p. 175.

[20] City of Providence v. Stephens, 47 R. I. 387, 391, 133 Atl. 614, 616 (1926).

[21] "Administrative Change and Judicial Relief in Zoning" Edward Murphy, Ill. Bar Journal, July 1958, p. 854.

[22] Chief Judge Learned Hand—"The Deficiencies of Trials to Reach the Heart of the Matter," in 3 lectures on legal topics, 1921-22. (Ass'n of the Bar of the City of N.Y. 1926), at 89, 102.

Federal Tax Notes

By Harold Kamens

Rev. Rul. 59:213: ALTERNATE VALUATION: Where jointly owned property, included in the decedent's gross estate for Federal estate tax purposes, is transferred in trust by the surviving joint tenant, who retains therein an unrestricted power of disposition, such transfer does not constitute a "disposition" of such property within the meaning of section 2032 of the Internal Revenue Code of 1954. If the alternate valuation is elected in a timely filed estate tax return and the jointly owned property still forms a part of the trust estate as of the date one year after death, such property will be valued for Federal estate tax purposes as of the date one year after the decedent's death.

Rev. Rul. 59-219: TRADE OR BUSINESS EXPENSES: Amounts expended by civilian faculty and staff members of a military school for the purchase and maintenance of uniforms which they are required to wear while on duty, and which are not suitable for ordinary wear, are deductible in computing taxable income as ordinary and necessary business expenses under section 162(a) of the Internal Revenue Code of 1954. Such expenditures are deductible in computing taxable income only if the taxpayer itemizes his deductions on his U. S. Individual Income Tax Return, Form 1040.

Rev. Rul. 59-221: DEFINITIONS — TAX ON SELF-EMPLOYMENT INCOME: Where a small business corporation elects under section 1372 of the Internal Revenue Code of 1954 not to be subject to Federal income tax, the amounts of its income which are required to be included in each shareholder's gross income do not constitute "net earnings from self-employment" to such shareholder for Self-Employment Contributions Act purposes.

Rev. Rul. 59-232: DEPENDENT DEFINED: Where the amount of benefit payments made to an individual, under the public assistance laws of a State, is measured solely by need, all of the benefit payments made to such individual during a calendar year are considered as having been expended by him for his own support, for the purpose of determining whether a taxpayer is entitled to claim such individual as a dependent for Federal income tax purposes.

Rev. Rule. 59-233: DISTRIBUTION OF STOCK: In determining the termination of a shareholder's interest under section 302(b)(3) of the Internal Revenue Code of 1954 in a redemption of stock, the non-application of the family attribution rules of section 318(a)(1) of the Code, as provided by section 302(c)(2) of the Code, is limited to cases where the distributee would be considered to own stock in the corporation subsequent to the redemption by virtue of the application of section 318(a)(1) of the Code to attribute stock owned by members of his family to him. Thus, the filing of the agreement provided for in section 302(a)(2)(A)(iii) of the Code suspends the application of section 318(a)(1) of the Code only to the extent that this section would apply to attribute stock owned by members of the distributee's family to him.

Rev. Rul. 59-234: EXEMPTION FROM TAX ON CORPORATIONS, CERTAIN TRUSTS, ETC.: A real-estate board whose primary purpose or activities is the operation of a multiple listing system is considered to be rendering particular services for its members and is not exempt from Federal income tax as an organization described in section 501(c)(6) of the Internal Revenue Code of 1954.

Rev. Rul. 59-235: DEFINITION — ELECTION OF CERTAIN SMALL BUSINESS CORPORATIONS AS TO TAXABLE STATUS: A corporation cannot qualify as a small business corporation under section 1371 of the Internal Revenue Code of 1954 if it has a partnership as a shareholder.

Rev. Proc. 59-25: EXAMINATION OF RETURNS AND CLAIMS FOR REFUND, CREDIT OR ABATEMENTS, DETERMINATION OF CORRECT TAX LIABILITY: Income, estate, gift, excise and employment tax cases closed by examination in the office of the District Director of Internal Revenue may be reopened as a result of additional information received by the District Director's office or as a result of post review action in the Regional Commissioner's office. However, the reopening of a case must have the approval of either the District Director or the Assistant Regional Commissioner.

Rev. Rul. 59-240: PARTIAL LIQUIDATION DEFINED: Where a corporation sells all of its

(Continued on page 9, col. 1)

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Federal Tax Notes

ontinued from page 8)

ing properties and adopts of complete liquidation, after the first distribution, es its plan to one of par- liquidation, distributions to holders during the year the was adopted or during the eding taxable year, which exceed the net proceeds ed from the sale of the erties, constitute distribu- in partial liquidation with- the meaning of sections 331 and 346 (a) (2) of the nal Revenue Code of 1954.

Rul. 59-241: **QUALIFIED SION, PROFIT-SHARING STOCK BONUS PLANS:** the provision of an em- pension plan relating limitation of benefits, essary to preclude termina- of the plan within the first years of its existence from ing discrimination in favor prohibited class of em- es is deleted prior to the ted termination of the and funding of all past credits has been com- the qualification of the under section 401(a) of the nal Revenue Code of 1954 not be adversely affected such termination, within first ten years, is by reason liquidation of the em- provided the ratio of its to current compensa- per year of service, is not minatory within the mean- section 401(a) of the Code.

Rul. 59-247: **GROSS IN- ME DEFINED:** Where the ag- ate income derived from operation of newspapers by wspaper publishing com- r corporation, as purport- gent, and by its two corpor- wners and purported prin- is partly attributable to of the three corporations, amount of income attribut- to each such corporation be determined on the basis particular factual situa- involved.

LEGAL NOTICES

ATE OF NEW JERSEY
EPARTMENT OF STATE
TIFICATE OF DISSOLUTION
whom these presents may come,

EREAS, It appears to my satisfaction, authenticated record of the proceed- the voluntary dissolution thereof unanimous consent of all the stock- deposited in my office that

MANUFACTURING CO., INC.

oration of this State, whose principal situated at No. 164 Walter Avenue, in of Hasbrouck Heights, County of State of New Jersey (John G. Lang, agent therein and in charge thereof, whom process may be served), has with the requirements of Title 14, rations, General, of Revised Statutes Jersey, preliminary to the issuing Certificate of Dissolution.

THEREFORE, I, the Secretary of the State of New Jersey, Do Hereby that the said corporation did, on the nth day of September, 1959, file in a duly executed and attested consent ng to the dissolution of said cor- executed by all the stockholders which said consent and the record proceedings aforesaid are now on file said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Seventeenth day of September,
A.D., one thousand nine hundred
and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

Sept. 24, Oct. 1, 8 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
TIFICATE OF DISSOLUTION
to whom these presents may come.
eting:

EREAS, It appears to my satisfaction, authenticated record of the proceed- the voluntary dissolution thereof unanimous consent of all the stock- deposited in my office that

WOODLAND, INC.

oration of this State, whose principal situated at No. 129 Park Avenue, of Plainfield, County of Union, New Jersey (Joseph I. Bedell, agent therein and in charge thereof, whom process may be served), has with the requirements of Title 14, rations, General, of Revised Statutes Jersey, preliminary to the issuing Certificate of Dissolution.

THEREFORE, I, the Secretary of the State of New Jersey, Do Hereby that the said corporation did, on the first day of September, 1959, file in a duly executed and attested consent ng to the dissolution of said cor- executed by all the stockholders which said consent and the record proceedings aforesaid are now on file said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Twenty-first day of September,
A.D., one thousand nine hundred
and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

24, Oct. 1, 8 $21.60

LEGAL NOTICES

Dated: September 22, 1959

ESTATE OF ELBERT S. SHERMAN, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executors of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscribers under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscribers.

FRANK M. CONDON
THE NATIONAL NEWARK & ESSEX
BANKING COMPANY OF NEWARK
CHANALIS, LYNCH & MALONEY, Attorneys
9 Clinton Street
Newark 2, N. J.
L.J.—Sept. 24, Oct. 1, 8, 15, 22

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

THE MODERN AUTO LAUNDRY INC.

a corporation of this State, whose principal office is situated at No. 786 Broad Street, in the City of Newark, County of Essex, State of New Jersey (S. Alexander Eichler, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eighteenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Eighteenth day of September,
(Seal) A.D., one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come.
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

BRAEMAR HOMES

a corporation of this State, whose principal office is situated at No. 9 Clinton Street, in the City of Newark, County of Essex, State of New Jersey (Jack A. Skarbnik, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-first day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Twenty-first day of September,
(Seal) A.D., one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come.
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

SEVEN CORPORATION

a corporation of this State, whose principal office is situated at No. 740 Irvington Avenue, in the Township of Maplewood, County of Essex, State of New Jersey (Samuel Daniels, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eighteenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Eighteenth day of September,
(Seal) A.D., one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come.
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

NATURAL FORM BRASSIERE COMPANY

a corporation of this State, whose principal office is situated at No.

in the Town of Colts Neck of the Township of Atlantic, County of Monmouth, State of New Jersey (John Cerrato, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eighteenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Eighteenth day of September,
(Seal) A.D., one thousand nine hundred
and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

LEGAL NOTICES

Dated: September 16, 1959

ESTATE OF HARRY OSWALD, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Administrator of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

HARRY MOORE
ALLEN H. NIMENSKY, Attorney
1025 Broad Street
Newark 2, N. J.
L.J.—Sept. 24, Oct. 1, 8, 15, 22

HUDSON COUNTY COURT
LAW DIVISION
DOCKET NO. 73531
Civil Action
FINAL JUDGMENT

In the matter of the :
application of FREDERIC :
LEOPOLD AMBROZIEWICZ :
for leave to assume the :
name of FREDERICK :
LEOPOLD AMBROSE :

FREDERIC LEOPOLD AMBROZIEWICZ having this 18th day of September, 1959, made application to this court by duly verified complaint for a judgment to assume another name, to wit: FREDERICK LEOPOLD AMBROSE, and it appearing to this court that he has complied with all the provisions of the New Jersey Statutes, 2A:52-1 et seq. and Revised Rules, and the court being satisfied thereof and that there are no reasonable objections thereto;

It is on this 18th day of September, 1959, adjudged that FREDERIC LEOPOLD AMBROZIEWICZ be and he is hereby authorized to assume the name of FREDERICK LEOPOLD AMBROSE from and after October 19, 1959, and that within ten days hereof the said plaintiff will cause a copy of this judgment to be published in the New Jersey Law Journal and within twenty days hereof he will file and record Affidavit of Publication of Notice, Judgment, and Affidavit of Publication of Judgment with the Hudson County Clerk, and a certified copy of this judgment with the Secretary of State, pursuant to the provisions of the Statute and Revised Rules in such case made and provided.

/s/ PAUL DUFFY
J.C.C.

On motion of:
GREGORY J. CASTANO
Attorney for Plaintiff
L.J.—Sept. 24 $9.72

ESSEX COUNTY COURT
LAW DIVISION
DOCKET NO.
Civil Action
JUDGMENT

In the Matter of the application :
of Michele Ann Hanson, an infant, :
by Beverly J. Calabrese, her mother :
and natural guardian, to assume the
name of Michele Ann Calabrese :

Michele Ann Hanson, an infant by her guardian ad litem, Beverly J. Calabrese, having this 4th day of August, 1959, made application to this Court by duly verified complaint for a judgment to assume the name, to wit: Michele Ann Calabrese, and it appearing to the Court that she has complied with all the provisions of the New Jersey Statutes 2A:52-1 et. seq. and Revised Rules, and the Court being satisfied thereof and that there are no reasonable objections thereto;

It is on this 16th day of September, 1959, ADJUDGED that Michele Ann Hanson be and she hereby is authorized to assume the name of Michele Ann Calabrese from and after the 16th day of October, 1959 and that within ten days hereof said plaintiff cause a copy of this judgment to be published in the New Jersey Law Journal and within twenty days after entry of Judgment she file Judgment and affidavit of publication of Judgment with the Essex County Clerk, and a certified copy of the Judgment with the Secretary of State pursuant to the provisions of the Statute and Revised Rules in such case made and provided.

JOSEPH G. LYONS
Judge - Essex County Court

On Motion of
HARVEY A. LIEB
L.J.—Sept. 24 $9.00

ESSEX COUNTY COURT
LAW DIVISION
DOCKET =
CIVIL ACTION
NOTICE

IN THE MATTER OF THE APPLICATION)
OF LUCIANO M. BEDDIA, CATHERINE)
BEDDIA, his wife, ROBERT JOSEPH)
BEDDES AND JOHN JULIUS BEDDES,)
INFANTS, BY THEIR NATURAL)
GUARDIANS AND PARENTS,)
LUCIANO M. BEDDIA AND)
CATHERINE BEDDIA, TO ASSUME THE)
NAMES OF JOSEPH M. BEDDES,)
CATHERINE BEDDES, ROBERT JOSEPH)
BEDDES AND JOHN JULIUS BEDDES.)

TAKE NOTICE, that the undersigned, will apply to the Essex County Court, Court House, Newark, New Jersey, on Wednesday, October 21, 1959, at 2:00 P.M., for judgment to assume the names of Joseph M. Beddes, Catherine Beddes, Robert Joseph Beddes and John Julius Beddes.

LUCIANO M. BEDDIA
CATHERINE BEDDIA
Marinello, Candari & Soriano, Esqs.
166 Bloomfield Avenue
Newark 4, N. J.
L.J.—Sept. 24, Oct. 1, 8, 15 $22.05

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come.
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

PROGRESS, INC.

a corporation of this State, whose principal office is situated at No. 790 Broad Street, in the City of Newark, County of Essex, State of New Jersey (William Harris, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Fifteenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton
this Fifteenth day of September,
(Seal) A.D., one thousand nine hundred
and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

LEGAL NOTICES

Dated: September 18, 1959

ESTATE OF ISADORE WAXMAN, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

IRA I. WAXMAN
IRA I. WAXMAN, Attorney
60 Park Place
Newark 2, N. J.
L.J.—Sept. 24, Oct. 1, 8, 15, 22

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come.
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

GRABELLE, INC.

a corporation of this State, whose principal office is situated at No. Room 1214, 744 Broad Street, in the City of Newark, County of Essex, State of New Jersey (Harry Schaffer, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Fifteenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton
this Fifteenth day of September,
(Seal) A.D., one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

STEWART MANUFACTURING
COMPANY, INC.

a corporation of this State, whose principal office is situated at No. 4 Brookside Terrace, in the Borough of North Caldwell, County of Essex, State of New Jersey (Fred J. Stewart, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Seventeenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Seventeenth day of September,
(Seal) A.D., one thousand nine hundred
and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

WILEDMAE REALTY CORP.

a corporation of this State, whose principal office is situated at No. 24 Commerce Street, in the City of Newark, County of Essex, State of New Jersey (William E. Selby, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Seventeenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton,
this Seventeenth day of September,
(Seal) A.D., one thousand nine hundred
and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

BO-MAR REALTY CO.

a corporation of this State, whose principal office is situated at No. 68 Hudson Street, in the City of Hoboken, County of Hudson, State of New Jersey (Channa Tanz, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Seventeenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I
have hereto set my hand and af-
fixed my official seal, at Trenton
this Seventeenth day of September,
(Seal) one thousand nine hundred and
fifty-nine.
EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

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CERTIFICATE OF DECREASE OF CAPITAL STOCK AND AMENDMENT OF CERTIFICATE OF INCORPORATION OF AUTO LOAN COMPANY

The location of the principal office in this State is at No. 744 Broad Street in the City of Newark, New Jersey.

The name of the agent therein and in charge thereof upon whom process against this corporation may be served is Max Mehler.

RESOLUTION OF DIRECTORS

RESOLVED that the Board of Directors of Auto Loan Company, a corporation of New Jersey, does on this 20th day of November, 1958 hereby resolve and declare that it is advisable that the issued and outstanding capital stock of the company be reduced by the purchase and retirement of its issued and outstanding 6% cumulative preferred stock and its 4% cumulative preferred stock of the par value of $100.00 per share and does hereby call a meeting of the stockholders to be held at the office of the company in the City of Newark on the 26th day of November, 1958 at 10:00 A.M. pursuant to notice as provided in the by-laws to take action upon the above resolution.

CERTIFICATE OF CHANGE

Auto Loan Company, a corporation of New Jersey, does hereby certify that it has decreased its capital stock and its capital by the purchase for retirement and the retirement of 205 shares of 6% cumulative preferred stock and 365 shares of the 4% cumulative preferred stock of the par value of $100.00 per share. Said purchases were made from the registered holders of said preferred stock. Of the purchase price paid, a total of $57,000 has been charged to capital and the balance of $2,235 to surplus, said purchases having been declared by resolution of the Board of Directors of said corporation to be advisable and having been duly and regularly assented to by the vote of 2/3 in interest of each class of stockholders having voting powers at a meeting duly called by the Board of Directors for that purpose.

IN WITNESS WHEREOF said corporation has made this certificate under its seal and the hands of its president and secretary, the 28th day of August, 1959.

AUTO LOAN COMPANY
By MICHAEL L. ROSS, President
CLARENCE R. KAY, Secretary

ATTEST:
CLARENCE R. KAY, Secretary

STATE OF NEW JERSEY)
) SS:
COUNTY OF ESSEX)

Be it remembered that on this 28th day of August, A.D. 1959, before me, the subscriber, a Notary Public, personally appeared Clarence R. Kay, Secretary of Auto Loan Company, the corporation named in and which executed the foregoing certificate, who, being by me duly sworn, according to law, does depose and say and make proof to my satisfaction that he is the Secretary of said corporation; that the seal affixed to said corporation certificate is the corporate seal of said corporation, the same being well known to him; that it was affixed by order of said corporation; that Michael L. Ross is president of said corporation; that he saw said Michael L. Ross as such president sign said certificate and affix said seal thereto and deliver said certificate, and heard him declare that he signed, sealed and delivered said certificate as the voluntary act and deed of said corporation, by its order and by authority of the Board of Directors and by the vote, either in person or by proxy, duly constituted and thereunto duly authorized, of more than two-thirds in interest of each class of said stockholders having voting powers, for the uses and purposes therein expressed; and that the said Clarence R. Kay signed his name thereto at the same time as subscribing witness.

CLARENCE R. KAY

Subscribed and Sworn to
before me this 28th day
of August, 1959
MARY O'ROURKE
(Seal) Notary Public of New Jersey
My Commission expires July 23, 1962.

L.J.—Sept. 24, Oct. 1, 8 $54.72

COUNTY COURT OF HUDSON COUNTY LAW DIVISION : DOCKET NO. 73529

Civil Action

JUDGMENT

In The Matter Of The Applicatoin)
- of -)
GEORGE MLODZINSKI, an infant, by)
ZOFIA FURS, his mother and natural)
guardian, For Leave To Assume The)
Name of GEORGE FURS.)

George Mlodzinski, an infant, by Zofia Furs, his mother and natural guardian, having this 18th day of September, 1959, made application to this Court by duly verified complaint for a judgment to assume another name, to wit: GEORGE FURS, and it appearing to the Court that he has complied with all the provisions of Revised Statutes NJS 2A:52, 1 to 4, and the Court being satisfied thereof and that there are no reasonable objections thereto,

IT IS on this 18th day of September, 1959, ADJUDGED that George Mlodzinski be and he hereby is authorized to assume the name of George Furs from and after October 19, 1959, and that within ten days hereof said plaintiff cause a copy of this judgment to be published in the New Jersey Law Journal, and within twenty days hereof he file and record Affidavit of Publication of Notice, Judgment and Affidavit of Publication of Judgment with the Hudson County Clerk, and that a certified copy of this Judgment be filed with the Secretary of State Pursuant to the provisions of the Statute in such case made and provided.

s/ PAUL J. DUFFY
Judge, Hudson County Court

SCHWARTZ & HOROWITZ
Attorneys for Plaintiff
26 Journal Square
Jersey City 6, New Jersey

L.J.—Sept. 24 $9.18

STATE OF NEW JERSEY DEPARTMENT OF STATE CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, it appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof, by the consent of all the members then present, that

MUTUAL AID SOCIETY
COMUNE DI FORINO

a corporation of this State, has complied with all the requirements of Title 15, Corporations and Associations Not for Profit, Revised Statutes of 1937, preliminary to the issuing of this certificate of dissolution.

NOW THEREFORE, I, the Secretary of State of the State of New Jersey, DO HEREBY CERTIFY, that the said corporation did, on the Sixteenth day of September, A.D., 1959 file in my office a duly executed and attested consent in writing to the dissolution of said corporation, which said consent and the record of the proceedings aforesaid, are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at Trenton, this Sixteenth day of September, (Seal) A.D., Nineteen hundred and fifty-nine.

EDWARD J. PATTEN
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8, 15 $25.83

TAKE NOTICE that the undersigned will apply to the ESSEX COUNTY COURT on October 7th, 1959 at two o'clock in the afternoon at the Court House, Newark, New Jersey for a Judgment authorizing them to assume the names of Sidney Ahrens, Flora Ahrens and Hari Gail Ahrens.

Sidney Arenofsky
Flora Arenofsky
Hari Gail Ahrens, an infant by her parents and natural guardians, Sidney Arenofsky and Flora Arenofsky

Abe Silverstein, Attorney
67 Main Street
Millburn, N. J.

L.J.—Sept. 10, 17, 24, Oct. 1 $12.60

STATE OF NEW JERSEY DEPARTMENT OF STATE CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

CHEAP SY'S

a corporation of this State, whose principal office is situated at No. 921 Bergen Avenue, in the City of Jersey City, County of Hudson, State of New Jersey (Julius D. Canter, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eleventh day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Eleventh day of September, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 17, 24, Oct. 1 $21.60

STATE OF NEW JERSEY DEPARTMENT OF STATE CERTIFICATE OF DISSOLUTION

To all to whom these presents may come Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

WILLIAMS AND LONDON
PUBLIC RELATIONS

a corporation of this State, whose principal office is situated at No. 58 Park Place, in the City of Newark, County of Essex, State of New Jersey (Emanuel London, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eighth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Eighth day of September, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 17, 24, Oct. 1 $21.60

STATE OF NEW JERSEY DEPARTMENT OF STATE CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

LA FERA HOLDING COMPANY

a corporation of this State, whose principal office is situated at No. 95 Oxford Street, in the Borough of Glen Ridge, County of Essex, State of New Jersey (Charles E. Bloom, Jr., being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Thirty-first day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Thirty-first day of August, A.D., (Seal) one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 17, 24, Oct. 1 $21.60

STATE OF NEW JERSEY DEPARTMENT OF STATE CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

STONE BROS. INC.

a corporation of this State, whose principal office is situated at No. 125 Broad Street, in the City of Elizabeth, County of Union, State of New Jersey (Louis Lebowitz, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eighth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton this Eighth day of September, A.D., (Seal) one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 17, 24, Oct. 1 $21.60

STATE OF NEW JERSEY DEPARTMENT OF STATE CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

ACME HOTEL, INC.

a corporation of this State, whose principal office is situated at No. 744 Broad Street (Room 1203) in the City of Newark, County of Essex, State of New Jersey (William A. Schilling, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eighth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Eighth day of September, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 17, 24, Oct. 1 $21.60

SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION—ESSEX COUNTY (DOCKET NO. C-2075-55)

Civil Action

NOTICE OF SETTLEMENT OF GUARDIAN'S ACCOUNT

In the Matter of the Guardianship)
of)
CAROLINE G. HOWE, an incompetent)

Notice is hereby given that the account of Fidelity Union Trust Company, guardian of the person and property of Caroline G. Howe (now deceased), covering its administration of the incompetent's estate from June 21, 1956, to and including April 8, 1959, will be audited and stated by the Clerk of the Superior Court of New Jersey, Chancery Division, at the Hall of Records in the City of Newark, Essex County, New Jersey on Friday, October 16, 1959, at 10 o'clock in the forenoon or as soon thereafter as counsel can be heard, and that at the same time and place application will be made for the payment to the guardian of commissions together with a counsel fee to Messrs. Stryker, Tams & Horner, attorneys for the guardian.

Dated: September 10, 1959.

FIDELITY UNION TRUST COMPANY
By Johns S. Bacheller
Vice President and Trust Officer
Guardian of the person and property of Caroline G. Howe, deceased.

Stryker, Tams & Horner
744 Broad Street
Newark 2, New Jersey
Attorneys for the Guardian

L.J.—Sept. 17, 24, Oct. 1, 8 $28.98

SHERIFF'S SALE SUPERIOR (CHAN) C-485 SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION, ESSEX COUNTY DOCKET NO. F-1965-58

Between Federal National Mortgage Association, a corporation of the United States, Plaintiff, and Ernest Williams and Ollie M. Williams, his wife, et als., Defendants. EXECUTION For Sale of Mortgaged Premises.

By virtue of the above stated writ of EXECUTION, to me directed, I shall expose for Sale by Public Vendue, in Room B-16, at the COURT HOUSE, in Newark, on Tuesday, the thirteenth day of October, next, at 1:30 p.m. (Prevailing Time), all that tract or parcel of land situate, lying and being in the City of Newark, Essex County, New Jersey:

BEGINNING in the westerly line of South 7th Street distant one hundred and eighty-seven feet six inches south from the corner formed by the intersection of the southerly line of Central Avenue with the said line of South 7th Street; thence westerly at right angles to South 7th Street one hundred feet; thence running southerly and parallel with South 7th Street thirty-seven feet six inches; thence easterly and parallel with the first mentioned line one hundred feet to the westerly line of South 7th Street as aforesaid; thence northerly along the said line of South 7th Street thirty-seven feet six inches to the point or place of BEGINNING.

Being known and designated as Street Number 43 So. 7th Street, Newark, N. J.

The approximate amount of the Judgment to be satisfied by said sale is the sum of Six Thousand, Four Hundred Four Dollars and Twenty-eight Cents ($6,404.28), together with the costs of this sale.

Newark, New Jersey, September 8, 1959.

NEIL G. DUFFY, Sheriff.
Greenbaum & Greenbaum, Attys.

L.J.—Sept. 17, 24, Oct. 1, 8 $36.54

SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION, ESSEX COUNTY (Docket #F 2726-58)

(L.S.) STATE OF NEW JERSEY to ALLEN MACK and PATSY MACK, his wife:

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon Samuel Dreskin, plaintiff's attorney, whose address is 744 Broad Street, Newark, New Jersey, an answer to the complaint filed in a civil action, in which the Newark Federal Savings and Loan Association, a Savings and Loan Association organized and existing under the laws of the United States of America, is plaintiff, and ALLEN MACK and PATSY MACK, his wife, UNITED STATES OF AMERICA and GENERAL INVESTMENT CORP., a corporation of New Jersey, are defendants pending in the Superior Court of New Jersey, Chancery Division, within 35 days after October 1, 1959 exclusive of such date. If you fail to do so, judgment by default may be rendered against you for the relief demanded in the complaint. You shall file your answer and proof of service in duplicate with the Clerk of the Superior Court, State House, Trenton, New Jersey, in accordance with the rules of civil practice and procedure.

The action has been instituted for the purpose of (1) foreclosing a mortgage dated February 21, 1957 made by Allen Mack and Patsy Mack, his wife, as mortgagors and payable to the NATIONAL MORTGAGE COMPANY, a corporation of New Jersey, recorded in Book 3457 page 457 in Essex County, which mortgage was assigned on March 8, 1957, to said plaintiff, and (2) to recover possession of, and concerns, premises commonly known as #48½ Second Street in the City of Newark, Essex County, New Jersey.

You, Allen Mack and Patsy Mack, his wife, are made defendants because you are the owners of record of the premises described in the mortgage and subject thereto, and because you are the obligors on the bond secured by said mortgage and may be liable for any deficiency resulting from a sale of the mortgaged premises.

DATED: September 3rd, 1959

I. GRANT SCOTT
Clerk of the Superior Court

L.J.—Sept. 10, 17, 24, Oct. 1 $38.43

STATE OF NEW JERSEY DEPARTMENT OF STATE CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

ASSOCIATED UNDERWRITERS AGENCY

a corporation of this State, whose principal office is situated at No. 744 Broad Street, in the City of Newark, County of Essex, State of New Jersey (Ramon E. Ozias, Jr., being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Seventeenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Seventeenth day of September, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

STATE OF NEW JERSEY DEPARTMENT OF STATE CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

BROGRAND COMPANY

a corporation of this State, whose principal office is situated at No. 17 Academy Street, in the City of Newark, County of Essex, State of New Jersey (William S. Myers, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Seventeenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Seventeenth day of September, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 24, Oct. 1, 8 $21.60

Dated: September 10, 1959

ESTATE OF ALFRED EISEN, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Administratrix of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

LUCILLE EISEN

STOFFER & JACOBS, Attorneys
744 Broad Street
Newark 2, N. J.

L.J.—Sept. 17, 24, Oct. 1, 8, 15

STATE OF NEW JERSEY DEPARTMENT OF STATE CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

HYDROMECHANICS, INC.

a corporation of this State, whose principal office is situated at No. 70 Oakner Parkway, in the Township of Livingston, County of Essex, State of New Jersey (Bernard Moss, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-eighth day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Twenty-eighth day of August, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 10, 17, 24 $21.60

STATE OF NEW JERSEY DEPARTMENT OF STATE CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

TELFER STUDIOS

a corporation of this State, whose principal office is situated at No. 521 Millburn Avenue, in the Town of (Millburn) Short Hills, County of Essex, State of New Jersey (Betty Telfer, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-eighth day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Twenty-eighth day of August, (Seal) A.D., one thousand nine hundred and fifty-nine.

EDWARD J. PATTEN,
Secretary of State.

L.J.—Sept. 10, 17, 24 $21.60

TO THE CREDITORS OF MOUNTAINVIEW SAVINGS AND LOAN ASSOCIATION, a savings and loan association organized under the laws of the State of New Jersey, known as Mountainview Savings and Loan Association Liquidating Corporation (now in voluntary dissolution).

Public notice is hereby given in accordance with the applicable statutes of New Jersey to the creditors of the Mountainview Savings and Loan Association, now known as Mountainview Savings and Loan Association Liquidating Corporation, to bring in under oath, their debts, demands and claims against such association within three months from the date hereof, or be forever barred from any action therefor, except against the [illegible] against such association, its directors [illegible] or members.

Proofs of such claims must be filed at the office of said liquidating corporation with the registered agent, Albert C. Kraft, [illegible] Springfield Avenue, Irvington, New Jersey.

MOUNTAINVIEW SAVINGS AND LOAN ASSOCIATION LIQUIDATING CORPORATION [illegible] known as MOUNTAINVIEW SAVINGS AND LOAN ASSOCIATION
By: CHRISTIAN A. SEIFRIED, President

ATTEST:
WILLIAM J. BRUNNER, Secretary
DATED: August 20, 1959
Albert C. Kraft, Counsel
1065 Springfield Avenue
Irvington, New Jersey

L.J.—Aug. 20, 27, Sept. 3, 10, 17, 24, Oct. 1, 8, 15, 22, 29, Nov. 5, 12 $[illegible]

SUPERIOR COURT OF NEW JERSEY LAW DIVISION - ESSEX COUNTY DOCKET NO. [illegible]

MARNIE SLOANE CURTIS
Plaintiff

vs

PETER CURTIS, also known as
HOWARD CURTIS, also known as
HOWARD B. CURTIS
Defendant

TO: PETER CURTIS also known as HOWARD CURTIS and HOWARD B. CURTIS

You are hereby notified that a writ of attachment was issued in the above entitled cause at the suit of Marnie Sloane Curtis on August 5, 1959, directing the Sheriff of Essex County to attach the goods and chattels, moneys and effects, rights and credits, lands and tenements belonging to you, an absconding debtor, for the amount of $6,539.21, and that the said Sheriff pursuant thereto, levied upon monies due or to become due the defendant Peter Curtis also known as Howard Curtis also known as Howard B. Curtis from The B. [illegible] Company at 9 Clinton Street, Newark, New Jersey, on August 14, 1959. The said Sheriff duly returned the writ with the levy endorsed thereon to the Clerk of the Superior Court at Trenton, New Jersey on August [illegible], 1959.

You are notified that you are required to serve your answer to plaintiff's complaint upon Benjamin Braslow, attorney for plaintiff, 1060 Broad Street, Newark, New Jersey, or to move against the complaint, or the Sheriff's levy thereunder within 20 days after October 1, 1959, the date of the last publication provided for in this cause. If you fail to do so, judgment by default may be taken against you for the relief demanded in the complaint. Your answer and proof of service thereof in duplicate shall be filed with the Clerk of the Superior Court, State House Annex, Trenton, New Jersey in accordance with the rules of civil procedure and practice.

This action is brought upon a [illegible] judgment obtained against you by the plaintiff.

Dated: September 4, 1959

Benjamin Braslow
Attorney for Plaintiff

L.J.—Sept. 10, 17, 24, Oct. 1 $[illegible]

Dated: September [illegible]

ESTATE OF JENNIE YANNELLI, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executrix of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

JULIA LENA
CARMELLA MANDOLA

ANTON A. VIT, JR., Attorney
36 Hollywood Avenue
Hillside, N. J.

L.J.—Sept. 17, 24, Oct. 1, 8, 15

Dated: September [illegible]

ESTATE OF MICHAEL [illegible] deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

THE HOWARD SAVINGS INSTITUTION

J. ELMER HAUSMANN, Attorney
1000 Springfield Avenue
Irvington 11, N. J.

L.J.—Sept. 17, 24, Oct. 1, 8, 15

Dated: September [illegible]

ESTATE OF MARY E. RORABACK deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executors of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

THE NATIONAL NEWARK AND ESSEX BANKING COMPANY OF NEWARK
ARTHUR LITTLE

Herman B. Licks, Attorney
6 W. So. Orange Ave.
South Orange, N. J.

L.J.—Sept. 10, 17, 24, Oct. 1, 8

Dated: August 24, [illegible]

ESTATE OF NELLIE FARLEY, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, executrices of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

MARGARET FARLEY
TERESA O'LEARY

Charles J. Farley, Attorney
9 Clinton St.
Newark, N. J.

L.J.—Sept. 3, 10, 17, 24, Oct. 1

LEGAL NOTICES

TATE OF NEW JERSEY
EPARTMENT OF STATE
TIFICATE OF DISSOLUTION
whom these presents may come,

EAS, It appears to my satisfaction, authenticated record of the proceed- the voluntary dissolution thereof nanimous consent of all the stock- deposited in my office that
MILIGAN CORPORATION
of this State, whose principal situated at No. 790 Broad Street, of Newark, County of Essex, New Jersey (Harry A. Sosnow, agent therein and in charge thereof, process may be served), has with the requirements of Title 14, General, of Revised Statutes Jersey, preliminary to the issuing Certificate of Dissolution.
THEREFORE, I, the Secretary of State of New Jersey, Do Hereby that the said corporation did, on the first day of August, 1959, file in duly executed and attested consent to the dissolution of said cor- executed by all the stockholders which said consent and the record proceedings aforesaid are now on file office as provided by law.
N TESTIMONY WHEREOF, I ave hereto set my hand and af- fixed my official seal, at Trenton, Thirty-first day of August, A.D., thousand nine hundred and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
10, 17, 24 $21.60

SSEX COUNTY COURT
OCKET NO.
ivil Action
NOTICE

atter of Application)
R SCHANERMAN, an)
is Mother and)
ardian ETHEL)
RMAN, for leave to assume)
f SEYMOUR GEHL.)

NOTICE that the undersigned will the Essex County Court on October at 2 o'clock in the afternoon Court House, Newark, New Jersey, for authorizing him to assume the SEYMOUR GEHL.

Seymour Schanerman,
an infant by, Ethel
Schanerman, his mother
and Natural Guardian.
& Marsh
Street
New Jersey
10, 17, 24, Oct. 1 $18.90

TATE OF NEW JERSEY
PARTMENT OF STATE
TIFICATE OF DISSOLUTION
whom these presents may come,

EAS, It appears to my satisfaction, authenticated record of the proceed- the voluntary dissolution thereof nanimous consent of all the stock- deposited in my office that
APARTMENTS CO.
of this State, whose principal situated at No. 60 Park Place, of Newark, County of Essex, New Jersey (Jacob Rekoon, agent therein and in charge thereof, process may be served), has with the requirements of Title 14, General, of Revised Statutes Jersey, preliminary to the issuing Certificate of Dissolution.
THEREFORE, I, the Secretary of State of New Jersey, Do Hereby that the said corporation did, on the August, 1959, file in my executed and attested con- to the dissolution of said cor- by all the stockholders said consent and the record proceedings aforesaid are now on file office as provided by law.
N TESTIMONY WHEREOF, I ave hereto set my hand and af- fixed my official seal, at Trenton, Thirty-first day of August, A.D., thousand nine hundred and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
10, 17, 24 $21.60

TIFICATE OF REDEMPTION
F CAPITAL STOCK OF
TA-VAR CORPORATION

of the principal office in this Commerce Court, City of Newark, Essex.
of the agent therein and in whom process against corporation may be served is E. G.

accordance with the provisions of Title Revised Statutes, we, E. G. Robi- resident, and C. G. Nelson, assistant of Vita-Var Corporation, a corpora- the State of New Jersey, do hereby that the Board of Directors of said did by resolutions duly adopted, redemption on the date hereinbelow of the following kinds and number of capital stock of said corporation:

CLASS OF STOCK
shares of 5% non-cumulative pre- stock, of the par value of $100.00 comprising all of the issued and outstanding stock of that class.

DATE OF REDEMPTION:
October 31, 1958.

WITNESS WHEREOF, said corporation this certificate under its seal and of its president and assistant this 26th day of August 1959.

E. G. ROBISON,
President
C. G. NELSON,
Assistant Secretary

NELSON

OF NEW JERSEY)
) SS.
OF ESSEX)

IT REMEMBERED that on this 26th August 1959, before me the subscriber, appeared C. G. Nelson, assistant of Vita-Var Corporation, the cor- named in and which executed the certificate, who, being by me duly according to law, does depose and make proof to my satisfaction that assistant secretary of said corpora- the seal affixed to said corporation is the corporate seal of said cor- the same being well known by him; was affixed by order of said corpora- that E. G. Robison is the president of corporation; that he saw said E. G. as such president sign said certifi- the voluntary act and deed of corpora- its order and by authority of its of Directors and that said C. G. Nelson his name thereto at the same time as witness.

C. G. NELSON,
Assistant Secretary

and sworn to me this 26th day 1959
RAIMO
Public of N. J.
commission expires Sept. 2, 1959
10, 17, 24 $41.76

LEGAL NOTICES

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
THIRTY SEVEN ELM STREET
CORPORATION
a corporation of this State, whose principal office is situated at No. 245 East Walnut Street, in the Township of Union, County of Union, State of New Jersey (Paul Meisel, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Third day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Third day of September, A.D.,
(Seal) one thousand nine hundred and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
LOUBEN HOLDING CO.
a corporation of this State, whose principal office is situated at No. 675 South Tenth Street, in the City of Newark, County of Essex, State of New Jersey (Isadore Rubin, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Third day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Third day of September, A.D.,
(Seal) one thousand nine hundred and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24 $21.60

Dated: September 2, 1959

ESTATE OF HAROLD B. DUNPHEY, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

HARVEY DUNPHEY
Jacob Zimmerman, Attorney
17 Academy St.
Newark 2, N. J.
L.J.—Sept. 10, 17, 24, Oct. 1, 8

Dated: September 2, 1959

ESTATE OF EDWARD A. CONDIT, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

MONTCLAIR NATIONAL BANK AND
TRUST COMPANY
Boyd, Dodd, Keer & Booth, Attorneys
31 Park St.
Montclair, N. J.
L.J.—Sept. 10, 17, 24, Oct. 1, 8

Dated: September 2, 1959

ESTATE OF MARY A. BURNS, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Executor of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

JAMES J. FITZSIMMONS
Matthew J. Reilly, Attorney
24 Commerce St.
Newark 2, N. J.
L.J.—Sept. 10, 17, 24, Oct. 1, 8

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
JEN KEL REALTY CO.
a corporation of this State, whose principal office is situated at No. 1000 Springfield Avenue, in the Town of Irvington, County of Essex, State of New Jersey (Frederic Stoddard, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Tenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Tenth day of September, A.D.,
(Seal) one thousand nine hundred and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 17, 24, Oct. 1 $21.60

LEGAL NOTICES

CERTIFICATE OF CHANGE

ENDRESS MOTORS, INC., a corporation of the State of New Jersey, doth hereby certify that it has amended Article FOURTH of the Second Amended Certificate of Incorporation heretofore filed by this corporation, to read as follows, to wit:

"FOURTH. The total authorized capital stock of this corporation is 435 shares, which said stock shall be divided in the manner, hereinafter set forth:

"(a) There shall be 35 shares of common stock, having no par value, called Class "A" stock, which shall entitle the holders thereof to all voting rights.

"(b) There shall be 400 shares of preferred stock, having a par value of $100.00 per share, which shall entitle the holders thereof to equal voting rights with the holders of the Class "A" common stock.

"The designation, preferences, privileges and voting powers of the holders of the preferred stock and the holders of the Class "A" common stock, and the restrictions or qualifications thereof are as follows:

"The holders of the preferred stock shall be entitled to receive a dividend at the rate of five (5%) per cent per annum of the par value of the shares thereof, payable out of any and all surplus net profits quarterly or semi-annually as the By-laws may provide, or, if no provisions therefor be inserted in the By-laws, then as the Board of Directors may from time to time determine before any dividend shall be declared, set apart for, or paid upon the common stock of the corporation.

"Said dividends on the preferred stock shall be cumulative.

"The corporation may redeem the whole or any part of the preferred stock on any dividend date at the option of the Board of Directors, upon sixty (60) days' written notice mailed to the holders of record of such stock, by paying One Hundred Five ($105.00) Dollars in cash for each share of preferred stock so to be redeemed and any declared and unpaid dividends thereon; the premium of Five ($5.00) Dollars above par value being in lieu of any and all claim to participate in any surplus or undivided profits earned and undistributed at the time of such redemption. Any such redemption of less than the whole amount of the outstanding preferred stock shall be on a pro rata basis. Shares of the preferred stock called for redemption shall be cancelled immediately upon redemption and shall from time to time, as may be determined by resolutions of the Board of Directors, be retired in the manner provided by law and the authorized capital stock of the corporation be reduced accordingly.

"In the event of any liquidation or dissolution or winding up of the corporation, whether voluntary or involuntary, there shall be paid to the holders of the preferred stock the par value thereof, and the amount of all declared and unpaid dividends thereon, before any sum shall be paid to or any assets shall be distributed among the holders of the common stock; and, after the payment to the holders of the preferred stock of its par value and any such declared and unpaid dividends thereon, the remaining funds and assets of the corporation shall be paid to and divided among the holders of its common stock pro rata, according to their respective holding thereof."

The amendment hereinabove set forth has been declared by resolution of the Board of Directors of said corporation to be advisable, and has been duly and regularly assented to by the unanimous vote of all the stockholders, at a meeting duly called by the Board of Directors for that purpose.

IN WITNESS WHEREOF, said corporation has caused this Certificate to be signed by its President and attested by its Secretary and its corporate seal to be hereto affixed the 2nd day of September, 1959.

ENDRESS MOTORS, INC.
By JOHN ENDRESS

Attest:
LOUIS SPINE, Secretary

STATE OF NEW JERSEY)
) SS:
COUNTY OF PASSAIC)

BE IT REMEMBERED, That on this 2nd day of September, 1959, before me, the subscriber, a Notary Public of New Jersey, personally appeared LOUIS SPINE, Secretary of ENDRESS MOTORS, INC., the corporation mentioned in and which executed the foregoing certificate, who, being by me duly sworn on his oath says that he is the Secretary and that the seal affixed to said certificate is the corporate seal of said corporation, the same being well known to him; that JOHN ENDRESS is the President of said corporation, and signed said certificate and affixed said seal thereto and delivered said certificate by authority of the Board of Directors and with the unanimous assent of all of the stockholders of said corporation, as and for his voluntary act and deed, and the voluntary act and deed of said corporation, in the presence of deponent, who thereupon subscribed his name thereto as witness.

AND he further says that all of the stockholders of said corporation have consented to the same.

LOUIS SPINE

Subscribed and Sworn to
before me at
Paterson, N. J. the
day and year first above
written.
CATHERINE J. SANTHOUSE
Notary Public of New Jersey
Commission expires Dec. 23, 1959
L.J.—Sept. 17, 24, Oct. 1 $72.48

Dated: August 28, 1959

ESTATE OF JAMES F. CONROY, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Administrator of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber

ARMAND A. CASSINI
Armand A. Cassini, Attorney
280 Central Ave.
Orange, N. J.
L.J.—Sept. 3, 10, 17, 24, Oct. 1

TAKE NOTICE that the undersigned will apply to the Essex County Court on the 21st day of October, 1959, at 2 o'clock in the afternoon, at the Court House in Newark, New Jersey, for a judgment authorizing them to assume the names of Marsha Gail Cohen and Allan Ronald Cohen, respectively.

Marsha Gail Rubinger and Allan Ronald Rubinger, Infants, by Rochelle Lucy Cohen, their mother and natural guardian.
Milton M. Breitman, Attorney,
868 Broad Street, Newark, New Jersey.
L.J.—Sept. 24, Oct. 1, 8, 15 $9.45

TAKE NOTICE that the undersigned will apply to the Essex County Court, Court House, Newark, New Jersey, on the 30th day of September, 1959, at 10:00 AM for a judgment authorizing NICHOLAS H. POLITANO to assume the name of NICHOLAS H. POLITAN.

NICHOLAS H. POLITANO
JOHN G. MALANGA
335 Roseville Avenue
Newark, N. J.
L.J.—Sept. 3, 10, 17, 24 $8.82

LEGAL NOTICES

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
J. K. REALTY CO.
a corporation of this State, whose principal office is situated at No. 1000 Springfield Avenue, in the Town of Irvington, County of Essex, State of New Jersey (Frederic Stoddard, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Tenth day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Tenth day of September, A.D.,
(Seal) one thousand nine hundred and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 17, 24, Oct. 1 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
SAENGER-SMITH CO.
a corporation of this State, whose principal office is situated at No. 237 Highland Road, in the Village of South Orange, County of Essex, State of New Jersey (Alice Carter Reilly, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Eleventh day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Eleventh day of September,
(Seal) A.D., one thousand nine hundred and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 17, 24, Oct. 1 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
FENLON HOMES, INC.
a corporation of this State, whose principal office is situated at No. 743 Main Avenue, in the City of Passaic, County of Passaic, State of New Jersey (Morris Novick, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Thirty-first day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Thirty-first day of August,
(Seal) A.D., one thousand nine hundred and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24 $21.60

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
WALCO PRODUCTS INC.
a corporation of this State, whose principal office is situated at No. 60 Franklin Street, in the City of East Orange, County of Essex, State of New Jersey (Lowell Walcutt, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-fourth day of August, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Twenty-fourth day of August,
(Seal) A.D., one thousand nine hundred and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24, Oct. 1 $28.35

Dated: August 18, 1959

ESTATE OF SOPHIE PRIEST, deceased.

Pursuant to the order of CHARLES A. STANZIALE, Surrogate of the County of Essex, this day made, on the application of the undersigned, Administratrix of said deceased, notice is hereby given to the creditors of said deceased, to exhibit to the subscriber under oath or affirmation, their claims and demands against the estate of said deceased, within six months from this date, or they will be forever barred from prosecuting or recovering the same against the subscriber.

ROSE H. LAPPIN
David T. Schulman, Attorney
188 Clinton Pl.
Newark 12, N. J.
L.J.—Aug. 27, Sept. 3, 10, 17, 24

LEGAL NOTICES

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION
To all to whom these presents may come,
Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that
BARBARRY REALTY CO.
a corporation of this State, whose principal office is situated at No. 9 Clinton Street, in the City of Newark, County of Essex, State of New Jersey (Jack A. Skarbnik, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Second day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Second day of September,
(Seal) A.D., one thousand nine hundred and fifty-nine.
EDWARD J. PATTEN,
Secretary of State.
L.J.—Sept. 10, 17, 24 $21.60

SHERIFF'S SALE
SUPERIOR (LAW) F-52
SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, ESSEX COUNTY
DOCKET NOS. L-9977-58 & J-8523-58

Blackstone Investment Co., a Corp. of N. J., Plaintiff, vs. Sylvia Garner, Defendant. EXECUTION.

By virtue of the above stated writ of EXECUTION, to me directed, I shall expose for sale by Public Vendue, in Room B-16, at the COURT HOUSE, in Newark, on Tuesday, the 29th day of September, next, at 1:30 p.m. (Prevailing Time), all the right, title and interest of the above named defendant, of, in and to all those tracts or parcels of land and premises situate, lying and being in the City of Newark, Essex County, New Jersey, by selling so much of the same as may be needful and necessary for the purpose:

BEGINNING at a point in the westerly line of Pennsylvania Avenue 30 northerly from the northwesterly corner of said avenue and Astor Street and from thence running (1) northerly along said line of Pennsylvania Avenue 30 ft.; thence (2) at right angles to said avenue westerly 100 ft.; thence (3) running parallel with said line of Pennsylvania Avenue southerly 30 ft., and thence (4) at right angles with said line of Pennsylvania Avenue easterly 100 ft. to the point and place of Beginning.

Being commonly known as 104 Pennsylvania Avenue.

Being the same premises conveyed to Sylvia Garner by deed of Leon R. Ross, and Miriam Ross, his wife, and Jacob Cohen and Lily Cohen, his wife, dated November 29, 1954, and recorded on November 29, 1954, in Book 3274 on page 92.

BEGINNING in the easterly line of Seymour Avenue at a point therein distant southerly 120 ft. 4 in. from the southerly line of Madison Avenue; thence south 24° 21' west along the easterly line of Seymour Avenue 33'; thence south 65° 39' east 122'; thence north 24° 21' east 33 ft.; thence north 65° 39' west 122' to the easterly line of Seymour Avenue and place of Beginning.

Being Lot No. 45 and parts of Lot Nos. 44 and 46 on a Map of Prop. of Ezra Reeve, situate in Clinton Township, Essex County, New Jersey, made in 1891, by Messrs. Lehlbach Bros.

The dwelling in said premises being designated as street No. 62 Seymour Avenue, Newark, New Jersey, on a survey made by Messrs. Lehlbach Bros., Surveyors, dated February 19, 1928, from which survey the above description is drawn.

Being the same premises conveyed to Sylvia Garner by deed of Albert Jackson and Bernice Jackson, his wife, dated July 23, 1953, and recorded in Book 3151 of deeds on page 582 on July 29, 1953.

Being commonly known as 62 Seymour Avenue, Newark, New Jersey.

The approximate amount of the Judgment to be satisfied by said sale is the sum of Four Thousand, Nine Hundred and Forty-One Dollars and Twenty-one Cents ($4,941.21), together with the costs of this sale.

Newark, New Jersey, August 24, 1959.

NEIL G. DUFFY, Sheriff.
Blume and Blume, Attorneys.
L.J.—Sept. 3, 10, 17, 24 $61.74

SHERIFF'S SALE
SUPERIOR (CHAN) C-482
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY
DOCKET NO. F-1988-58

Between Louis Anderson, Plaintiff, and James Hughes and Inez Hughes, his wife, Harris Britt, Artis Melvin, Blackstone Investment Company, also known as Blackstone Investment Corporation, a corporation, and Eagle Oil Co., a corporation. Defendants. EXECUTION For Sale of Mortgaged Premises.

By virtue of the above stated writ of EXECUTION, to me directed, I shall expose for Sale by Public Vendue, in Room B-16, at the COURT HOUSE, in Newark, on Tuesday, the sixth day of October, next, at 1:30 p.m. (Prevailing Time), all the following tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the City of Newark, Essex County, New Jersey:

BEGINNING in the easterly line of Hunterdon Street at a point therein distant northerly three hundred seventy-five feet from the northeasterly corner of the same and Spruce Street (now 18th Avenue), thence running northerly along said easterly line of Hunterdon Street twenty-five feet; thence easterly at right angles to Hunterdon Street two hundred feet more or less, as set forth in deed description, 223.95 feet as set forth by survey of Amos O. Nisenson, C.E., dated June 22, 1946, to the rear line of lots fronting on Fairview Avenue; thence southerly along said rear line twenty-five feet by deed and 25.87 feet by survey; thence westerly and at right angles to Hunterdon Street two hundred feet more or less, as set forth in the deed description, and two hundred and seventeen feet and twenty-eight hundredths feet as set forth in survey, to the easterly line of Hunterdon Street and point and place of beginning.

Being known as 378 Hunterdon Street, Newark, New Jersey.

The approximate of the Judgment to be satisfied by said sale is the sum of Thirteen Thousand, Seven Hundred Sixty-eight Dollars and Ninety-five Cents ($13,768.95), together with the costs of this sale.

The premises will be sold subject to taxes for second half of 1958, taxes for all of 1959, rights of parties in possession, facts that an accurate survey may disclose, zoning ordinances, easements and restrictions of record.

Newark, New Jersey, August 31, 1959.

NEIL G. DUFFY, Sheriff.
Jacob Lubetkin, Attorney
L.J.—Sept. 10, 17, 24, Oct. 1 $49.14

Norwestern U. Law School Celebrating Centennial With International Conference

The Northwestern University School of Law, which was founded 100 years ago Monday, Sept. 21, will celebrate its centennial during 1959-60 with the help of alumni and illustrious guests, including former Illinois Governor Adlai Stevenson, and Earl Warren, Chief Justice of the U. S. Supreme Court.

The school will hold an international conference which will bring representatives from Canada, England, France, Germany, Israel, Japan and Norway.

Lord Cyril John Radcliffe, Lord of Appeal in Ordinary of the United Kingdom will be the Rosenthal Foundation lecturer.

The deans of the Harvard law school and the University of Virginia law school, and the attorney-general of New Hampshire are also among the guests who will attend.

The school, which was founded by Thomas Hoyne Sept. 21, 1859 as the Union College of Law, will complete its law school quadrangle with the dedication of Robert R. McCormick hall.

In addition to the dedication, there will be three conferences, the Law Alumni association centennial dinner, and the Rosenthal lectures.

The three conferences will be held under the general title, Preservation of a Free Society Under Law.

The law school, after being founded as the Union College of Law, came under joint control of Northwestern and the old University of Chicago (not the present one) in 1873. When the University of Chicago ceased to exist, the college came under control of Northwestern alone.

In 1891, the college became the Northwestern University School of Law.

Announcements

Jacob Cohen has moved his offices to Landis Building, 372 Highway 18, P.O. Box 11, East Brunswick.

John S. Bender has become a member of the firm of Marley, Winkelried & Hillis at 60 Park Place, Newark.

William J. Tierney has moved to 4900 Bergenline Ave., Union City.

John B. Stone, Jr., has become a partner in the firm of Ryan, Saros, Davis & Conant. John F. Ryan, Sarantis P. Saros, Bernard L. Davis, J. Roger Conant, will continue as partners. Bernard Steiner will continue to be associated with the firm which has its offices at 1184 East Grand Street, Elizabeth.

John J. Salvest, formerly with Marley, Winkelried and Hillis, has opened his own offices at 24 Clemson Road, Parlin.

Howard B. Kagan has opened offices at 613 St. Georges Avenue, Roselle.

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U. S. District Court Calendars

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRIAL CALENDAR

The actions listed on this calendar will be tried by the Honorable Reynier J. Wortendyke, Jr., in Courtroom No. 3, United States Court House (Post Office Building), Newark, N. J., starting at 10:00 A.M., Monday, October 5, 1959.

C.30-58 (Jury), C.158-58 (Jury), C.239-58 (Jury), C.284-58 (Jury), C.589.58 (Jury), C.683-58 (Jury), C.697-58 (Jury), C.900-58 (Jury), C.1223-58 (Non-Jury), C.1249-58 (Jury), C.1258-58 (Jury), C.1330-58 (Jury), C.1339-58 (Jury), C.1371-58 (Jury), C.15-59 (Jury), C.34-59 (Jury), C.109-59 (Jury), C.197-59 (Jury), C.225-59 (Jury), C.294-59 (Jury), C.374-59 (Jury), C.563-55 (Jury), C.120-57 (Jury), C.558-57 (Jury), C.792-57 (Jury), C.134-58 (Jury), C.453-58 (Jury), C.869-58 (Jury), C.1079-58 (Jury), C.1233-58 (Jury), C.1303-58 (Jury), C.1373-58 (Jury), C.1394-58 (Jury).

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
JURY TRIAL CALENDAR

The actions listed on this calendar will be tried by the Honorable Thomas F. Meaney, in Courtroom No. 1, U.S. Court House (Post Office Building) Newark, N. J. with those listed for October 19 to be tried as reached.

OCTOBER 14, 1959
C.269-58

OCTOBER 15, 1959
C.1328-58

OCTOBER 19, 1959
C.976-54, C.512-55, C.465-58, C.616.58, C.636-58, C.681-58, C.858.58, C.1199.58, C.1225-58, C.1288-58, C.61-59, C.65-59, C.150-59, C.245-59, C.104-59.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Listed below are trial dates of Non-Jury actions to be tried by the Honorable Thomas F. Meaney, in Courtroom No. 1, U.S. Court House (Post Office Building) Newark, N. J.

Whether an action will be reached on the date fixed will depend on the disposition of other actions listed for the same date or on dates prior thereto. Counsel may obtain trial position by communicating with the clerk.

SEPTEMBER 24, 1959
C.1119-58

SEPTEMBER 25, 1959
C.1123-58

SEPTEMBER 29, 1959
C.631-58, C.1212-58

OCTOBER 1, 1959
C.1305-58

OCTOBER 2, 1959
C.1324-58

OCTOBER 5, 1959
C.1209-58

OCTOBER 7, 1959
C.17-59

DECEMBER 7 and 8, 1959
C.72-57

DECEMBER 9, 1959
C.201-57

DECEMBER 10, 1959
C.519-58

DECEMBER 15, 1959
C.965-58

DECEMBER 17, 1959
C.696-58, C.906-58

JANUARY 4 and 5, 1960
C.1375-58

JANUARY 6, 7, and 8, 1960
C.485-56

JANUARY 18, 1960
C.1353-58, C.264-59

Bankruptcies

The names of the Referees are abbreviated as follows: L-Lipkin; T-Tallyn; F-Fishberg.

ADKINS, Donald L., 811 Linden Ave., Elizabeth; vol.; liab. $11,037.50; assets $176; refr. L.T. & F.; solr. Carlyle W. Crane; 9-22.

AKER, Emery, 939 Jefferson Ave., Elizabeth; vol.; liab. $7,580.78; assets $500; refr. L.T. & F.; solr. Joseph J. Clarick; 9-17.

DUMAIS Fine Furniture Inc., 147-150-166 Hudson St., Hackensack; Invol.; refr. L.T. & F.; solr. Kleinberg, M. & M.; 9-16.

HAYWARD, Daphne C., 408 Elm Ave., Woodbury Hts.; vol.; liab. $20,946.74; assets $550; refr. L.T. & F.; solr. F. E. Malloy; 9-18.

HAYWARD, Robert C., 408 Elm Ave., Woodbury Hts.; vol.; liab. $41,978.83; assets $1,075; refr. L.T. & F.; solr. F. E. Malloy; 9-18.

KULL, Richard N. Jr., Tha Tru-Fit Manufacturing Co., 109 Harding Ave., Pt. Pleasant; vol.; refr. L.T. & F.; solr. Novins, N. & O.; 9-18.

MARCUS, Judith, 1300 Burnet Ave., Union; vol.; liab. $10,699.74; assets $50; refr. L.T. & F.; solr. Max J. Mareiniss; 9-17.

PAINE, Felix, 37 Jackson St., Newark; vol.; liab. $2,928.22; assets $1,820; refr. L.T. & F.; solr. Leslie S. Kohn; 9-15.

PELLEGRINO, John, 128 Bloomfield Ave., Iselin; vol.; liab. $6,834; assets $1,050; refr. L.T. & F.; solr. Benj. Kleinberg; 9-16.

VLAHOS, Eleftherios, a/k/a Teddy Vlahos, 39 Van Ness Pl., Newark; vol.; liab. $16,217.95; assets $1,550; refr. L.T. & F.; solr. Martin Gelber; 9-21.

LEGAL NOTICE

STATE OF NEW JERSEY
DEPARTMENT OF STATE
CERTIFICATE OF DISSOLUTION

To all to whom these presents may come, Greeting:

WHEREAS, It appears to my satisfaction, by duly authenticated record of the proceedings for the voluntary dissolution thereof by the unanimous consent of all the stockholders, deposited in my office that

LAUREL-PARKWAY, INC.

a corporation of this State, whose principal office is situated at No. 101 North Wood Avenue, in the City of Linden, County of Union, State of New Jersey (Louis Foxman, being the agent therein and in charge thereof, upon whom process may be served), has complied with the requirements of Title 14, Corporations, General, of Revised Statutes of New Jersey, preliminary to the issuing of this Certificate of Dissolution.

NOW, THEREFORE, I, the Secretary of State of the State of New Jersey, Do Hereby Certify that the said corporation did, on the Twenty-first day of September, 1959, file in my office a duly executed and attested consent in writing to the dissolution of said corporation, executed by all the stockholders thereof, which said consent and the record of the proceedings aforesaid are now on file in my said office as provided by law.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed my official seal, at Trenton, this Twenty-first day of September, A.D., one thousand nine hundred and fifty-nine.

(Seal)

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Secretary of State

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Essex Weekly Call

SUPERIOR COURT AND
ESSEX COUNTY COURT
WEEKLY CALL
FRIDAY, SEPTEMBER 25, 1959

The following Superior Court and County Court Cases will be called before Assignment Judge Alexander P. Waugh, Room 226, Court House, at 9:30 A.M., and will be subject to being set down for trial.

19, 39, 84, 88, 94, 99, 100, 116, (147, 148), 184, (208, 209), 231, 259, 261, 270, 284, 289, 296, 331, 332, (349, 350), 355, 384, 389, 416, 424, 426, 433, 436, 441, 442, 456, 486, 487, 499, 526, 541, 544, 555, 566, 569, 574, 576, 589, 593, 595, 598, 606, 612, 617, 625, 629, 631, 633, 634, 636, 637, 640, 648, 652, 653, 665, 668, 672, 673, 680, 681, 683, 685, 686, 691, 692, 699, (702, 703), 707, 710, 711, 737, 1065.

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